

NATIONAL PARKS AND WILDLIFE.

No. 47 of 1970.

AN ACT to repeal the *Scenery Preservation Act 1915* and the *Animals and Birds Protection Act 1928*, to make fresh provision with respect to the establishment and management of National Parks and other reserves and with respect to the conservation and protection of the fauna and flora of the State, and to make provision for incidental and consequential matters. [8 December 1970.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

PART I.

PRELIMINARY.

Short title
and com-
mencement.

1—(1) This Act may be cited as the *National Parks and Wildlife Act 1970*.

(2) This Act shall commence on a date to be fixed by proclamation.

Repeal.

2 The Acts specified in Part I of the first schedule are repealed.

Interpre-
tation.

3—(1) In this Act, unless the contrary intention appears—

“aboriginal relic” means any artefact, painting, carving, midden, or other object made or created by any of the aboriginal inhabitants of any of the islands contained within the State, or any object, site, or place that bears signs of the activities of any such inhabitants;

“authorized officer” means a police officer or ranger;

“cat” means any member of the species *Felis catus*;

“Commissioner” means the Commissioner of Crown Lands;

“conservation area” means any area of land that, for the time being, is such by virtue of the provisions of sections fourteen and fifteen;

“conservation purpose” has the meaning assigned to that expression by section thirteen;

- “conservation society” means a society or other body having as its objects, or one of its objects, the promotion or the encouragement, in relation to land generally or to any particular land or particular kind of land, the carrying out of any conservation purpose;
- “container” includes any wrapping;
- “conveyance” means any vehicle, vessel, or aircraft, or any other contrivance intended for the carriage of persons or goods over land or water or in the air;
- “Council” means the National Parks and Wildlife Advisory Council established under section nine;
- “Crown land” means any land vested in the Crown, whether or not subject to any private rights, but does not include any such land that is contracted to be granted in fee simple;
- “Director” means the Director of the National Parks and Wildlife Service appointed under section five;
- “dog” means any member of the species *Canis familiaris*;
- “hunting equipment” means any weapon, implement, apparatus, or material capable of being used for the taking of any wildlife or any products thereof;
- “land” includes land covered by the sea or other waters, and the part of the sea or those waters covering that land;
- “leased reserve” has the meaning assigned to that expression by subsection (5) of section fifteen;
- “local reserve” has the meaning assigned to that expression by subsection (2) of this section;
- “management plan” has the meaning assigned to that expression by subsection (3) of section nineteen;
- “managing authority”, when used in relation to any reserved land, means the managing authority for that land pursuant to section twenty-two;
- “officer of the Public Service” includes a person holding office temporarily in the Public Service;
- “officer of the Service” means a person who is an officer of the National Parks and Wildlife Service pursuant to this Act;
- “owner”, when used in relation to any land vested in the Crown which is contracted to be granted in fee simple, means the person to whom it is so contracted and, in any other case, means the persons who, under the *Lands Resumption Act 1957*, or otherwise, are entitled to sell, convey, or surrender a freehold estate in that land to Her Majesty;
- “plant” has the meaning assigned to that expression by subsection (4) of section thirty-one;
- “private right”, when used in relation to Crown land, means any estate, interest, or right (not being an interest arising under a contract for the grant of an estate in fee simple) pursuant to which the holder thereof has the right to occupy or use that land, or to carry out any operations thereon, or to take any products thereof or

- materials therein, including materials beneath the surface thereof;
- “private reserve” has the meaning assigned to that expression by subsection (2) of this section;
- “products”, when used in relation to wildlife, has the meaning assigned to that expression by subsection (2) of section thirty-one;
- “protected plant” means a plant prescribed as a protected plant under section thirty-three;
- “public authority” means—
- (a) any municipality;
 - (b) any other body corporate established by an enactment having jurisdiction limited to a district, locality, or part of the State; or
 - (c) any body corporate established under an enactment or in the exercise of the prerogative rights of the Crown to administer or control any department, business, undertaking, or public institution on behalf of the State;
- “Public Service” has the same meaning as it has for the purposes of the *Public Service Act 1923*;
- “ranger” means a ranger appointed under section eight;
- “reserved land” has the meaning assigned to that expression by subsection (6) of section fifteen;
- “restricted area” has the meaning assigned to that expression by section twenty-five;
- “Service” means the National Parks and Wildlife Service established under section four;
- “special advisory committee” means a special advisory committee established under section twelve;
- “State reserve” has the meaning assigned to that expression by subsection (2) of this section;
- “wildlife” has the meaning assigned to that expression by subsection (1) of section thirty-one;
- “wildlife regulations” has the meaning assigned to that expression by subsection (6) of section thirty-one.

(2) State reserves, local reserves, and private reserves are those areas of land that for the time being are such by virtue of the provisions of section fifteen.

(3) References in this Act to the taking of any wildlife shall be construed as including references to the killing, destroying, hunting, pursuing, catching, shooting, netting, snaring, or injuring that wildlife, and references to the taking of any product of any wildlife shall be construed as including references to the carrying out of any operation for the purpose of obtaining that product, or having the effect of destroying or damaging of that product.

(4) References in this Act to the taking of any plant shall be construed as including references to the destroying or damaging of that plant, and to the taking, destroying, or damaging of any fruit or seeds of the plant or any product or part of the plant.

(5) References in this Act to the taking of any thing shall be construed as including references to attempting to take, or assisting in the taking of, that thing.

(6) References in this Act to selling shall be construed as including references to any disposal by way of trade and references therein to buying shall be construed as including references to receiving or accepting under a contract to sell, and to offering to receive or accept, or causing or suffering to be received or accepted, under such a contract.

(7) Unless the contrary intention appears a reference in this Act to a thing shall be construed as including a reference to a living thing.

PART II.

ADMINISTRATION.

Division I—The National Parks and Wildlife Service.

4 There shall be established a National Parks and Wildlife Service which shall consist of the Director and the other officers of that Service appointed or employed pursuant to this Division.

Establishment of National Parks and Wildlife Service.

5—(1) The Governor may appoint a Director of the National Parks and Wildlife Service.

The Director of the National Parks and Wildlife Service.

(2) Subject to this section, a person appointed as Director shall be so appointed for the term specified in the instrument of his appointment.

(3) The Director ceases to hold office on attaining the age of sixty-five years, and no person shall be appointed as Director who has attained that age.

(4) The Director shall be paid such remuneration as the Governor may determine, and the other terms and conditions of his service shall be such as may be so determined.

(5) The *Public Service Act* 1923 does not apply to the office of the Director.

(6) The holder of the office of the Director shall be regarded as being employed by the State for the purposes of the *Superannuation Act* 1938 and the *State Employees (Long-Service Leave) Act* 1950, and, for the purposes of the latter Act, the Governor is the prescribed authority in his case.

(7) If an officer of the Public Service is appointed to the office of Director, he is entitled to retain all his existing and accruing rights as if his service in that office were a continuation of his service as an officer of the Public Service; and where a person ceases to hold the office of Director and becomes an officer of the Public Service his service in that office shall be regarded as service in a permanent capacity in the Public Service for the purpose of determining his rights as an officer of the Public Service.

General
functions of
Director.

6—(1) Subject to this Act, the Director is responsible to the Minister for the administration thereof and, in particular, but without prejudice to the foregoing provisions of this subsection or to the exercise of any other functions conferred on him by this Act, the Director has the following duties, that is to say:—

- (a) The keeping under review of the setting aside of land for conservation purposes and the promotion of those purposes in relation to the use or development of land generally;
- (b) The carrying out, or arranging for the carrying out, by officers of the Service or otherwise, of research and other activities that appear to him desirable in connection with the administration of this Act or the conservation of the fauna or flora of the State;
- (c) The carrying out, or the promotion of the carrying out, of educational activities, and the provision and dissemination of information, related to the conservation of the fauna or flora of the State or other matters arising in connection with the administration of this Act;
- (d) The furnishing of the Council and the special advisory committees with such information as they may require and is reasonably available to him in connection with the carrying out of his functions under this Act;
- (e) The preparation, in relation to reserved lands, of plans with a view to their submission to the Governor for approval as management plans for those lands and the keeping under review of the provisions of management plans for the time being in force;
- (f) The exercise, in such cases as are provided for in this Act, of the functions of a managing authority for reserved lands, and the giving of advice and assistance to other managing authorities for reserved lands; and
- (g) The provision of effective means for the enforcement of the wildlife regulations and the other regulations made under this Act.

(2) The Minister may give directions to the Director with respect to the carrying out of his functions under this Act, and, in carrying out those functions, the Director shall comply with any directions so given.

(3) No directions shall be given under subsection (2) of this section with respect to the making by the Director of any recommendation required under any provision of this Act.

(4) As soon as practicable after the thirtieth day of June in each year the Director shall submit a report to the Minister on the administration of this Act during the period of twelve months ending on that day, and, upon that report being submitted to him, the Minister shall lay a copy thereof before each House of Parliament.

Officers of the
Service, &c.

7—(1) The Governor may, subject to the provisions of the *Public Service Act 1923*, appoint such officers and other persons as may be necessary for the purpose of enabling the Director to discharge his functions under this Act or otherwise for the purpose of the administration of this Act.

(2) With the approval of the Minister, the Director may employ persons to carry out casual work required for the administration of this Act, and those persons shall be paid such remuneration, and be employed on such terms and conditions, as the Minister approves.

(3) The officers and other persons appointed or employed under subsection (1) or subsection (2) of this section are officers of the National Parks and Wildlife Service.

(4) Notwithstanding anything in the *Public Service Act 1923* the office of the Director may be prescribed under that Act as an office the holder of which is the permanent head of a department constituted under that Act that comprises or includes officers of the National Parks and Wildlife Service.

(5) With the approval of the Public Service Commissioner an officer of the Public Service, who is not an officer of the National Parks and Wildlife Service, may undertake any duties for the carrying out of any purpose referred to in subsection (1) of this section.

8—(1) The Director may appoint officers of the Service or, with the approval of the Minister, other persons, to be rangers for the purposes of this Act. Rangers.

(2) Any person appointed as a ranger under subsection (1) of this section may be so appointed in respect of specified reserved land.

(3) Where the managing authority for any reserved land is not the Director, that authority, with the approval of the Director, may appoint rangers in respect of that reserved land.

(4) A ranger appointed under this section in respect of particular reserved land shall not exercise the powers of a ranger under this Act otherwise than in respect of that land.

Division II—National Parks and Wildlife Advisory Council, &c.

9—(1) There shall be established a council to be called the National Parks and Wildlife Advisory Council. Establishment and functions of the National Parks and Wildlife Advisory Council.

(2) The Council shall keep under review the administration of this Act, and shall advise, and make recommendations to, the Minister, on such matters in relation thereto as it thinks fit.

(3) Without prejudice to the generality of the provisions of subsection (2) of this section, where the Minister refers to the Council any matter related to the administration of this Act, it shall, as soon as practicable, consider that matter and make a report thereon to the Minister with such recommendations as it may consider appropriate in the circumstances.

(4) Subject to this Act, the Minister may make arrangements to render available to the Council such accommodation and assistance as it may require.

10—(1) The Council shall consist of not more than twelve persons appointed by the Governor. Constitution, &c., of the Council.

(2) The chairman of the Council shall be such member thereof as the Governor may appoint in that behalf.

(3) In appointing the members of the Council the Governor shall endeavour to ensure that the interests of each of the following classes of persons are represented by at least one member of the Council, that is to say:—

- (a) Persons engaged in primary production in the State;
- (b) Persons concerned in the development and use of the forests and timber resources of the State;
- (c) Persons concerned in the exploration and development of the mineral resources of the State;
- (d) Persons concerned in the carrying on or development of the tourist industry of the State;
- (e) Persons engaged in the study of, or concerned in, the planning of the development or utilization of the land of the State;
- (f) Persons engaged in study or research in the field of botany;
- (g) Persons engaged in study or research in the field of zoology;
- (h) Persons engaged in study or research in the field of geology;
- (i) Persons interested in historic structures or engaged in the study of history or anthropology in its relation to the peoples who inhabit, or inhabited, the islands contained within the State;
- (j) Persons interested in the use of land in the State for outdoor recreational activities, other than hunting or shooting; and
- (k) Persons interested in hunting or shooting in the State for the purposes of recreation.

(4) A person appointed as the chairman shall be so appointed for the term specified in the instrument of his appointment and, subject to this section, ceases to hold office as such at the expiration of that term.

(5) Subject to subsection (6) of this section, a member of the Council, unless he sooner resigns or is removed from his office or otherwise ceases to hold office, continues in office for a period of three years from the date on which he was last appointed a member of the Council.

(6) Where a member of the Council dies or ceases to hold office otherwise than by reason of the effluxion of time, the member appointed to fill the vacancy ceases to hold office at the expiration of the unexpired term of office of the member in whose place he is appointed.

(7) The members of the Council are not, as such, subject to the *Public Service Act* 1923, but an officer of the Public Service may hold office as a member of the Council in conjunction with his office as an officer of the Public Service.

(8) The chairman of the Council, or, if he is absent or there is no chairman, such one of the other members present as they may choose, shall preside at each meeting of the Council.

(9) The chairman or other person presiding at a meeting of the Council has a deliberative vote only and, in the event of an equality of votes on any matter before a meeting of the Council, that matter stands adjourned to the next meeting of the Council.

(10) Six members of the Council constitute a quorum at any meeting of the Council.

(11) The Director, or a person nominated by him, has a right to attend any meeting of the Council.

(12) Subject to this Act, the Council may regulate its own proceedings.

(13) The chairman of the Council shall be paid such remuneration as the Governor may approve, and he and the other members of the Council may be paid such travelling or other allowances as may be so approved.

11—(1) The Governor may remove any member of the Council from office if he is satisfied that that member—

Removal of members of the Council.

- (a) has become, in the opinion of the Governor, permanently incapable of carrying out the duties of his office;
- (b) has misconducted himself in the performance of the duties of his office;
- (c) has, by reason of a change of occupation or otherwise, ceased to be a person suitable to represent the interests of the classes of persons that he was appointed to represent;
- (d) without leave of the Council, has been absent from three or more consecutive meetings of the Council;
- (e) has applied to take, or takes, advantage of any law relating to bankruptcy, or has compounded, or entered into an arrangement, with his creditors; or
- (f) has been convicted (whether in this State or elsewhere) of an offence of such a nature that, in the opinion of the Governor, renders it improper for him to continue to hold his office.

(2) Without prejudice to the generality of the provisions of paragraph (b) of subsection (1) of this section, a member of the Council shall be deemed to have misconducted himself in the performance of the duties of his office if—

- (a) he votes on any matter before the Council in which he has, directly or indirectly, a pecuniary interest; or
- (b) he takes part in, or is present at, the discussion of any such matter before the Council without disclosing his pecuniary interest to the members of the Council present.

(3) In the case of married persons living together a pecuniary interest of one spouse shall, if known to the other, be deemed for the purposes of this section to be also a pecuniary interest of that other spouse.

(4) The Governor shall not remove a member of the Council otherwise than under this section.

Special
advisory
committees.

12—(1) The Minister may, by order, establish special advisory committees for the purpose of—

- (a) advising the Minister on such matters in relation to the administration of this Act as may be specified in the order; or
- (b) advising the Director, or a managing authority for any reserved land, on such matters arising in relation to the exercise of his or its functions under this Act as may be so specified.

(2) An order under this section may specify the number of members of the special advisory committee to which it relates, and, subject to this section, may contain provisions regulating the appointment of members of the committee and the proceedings of that committee, and giving the Director, or a person nominated by him in that behalf, the right to attend meetings of the committee.

(3) The members of a special advisory committee shall be appointed by the Minister, and the chairman of the committee shall be such member thereof as the Minister may appoint in that behalf.

(4) At any meeting of a special advisory committee, the chairman or, if he is absent or there is no chairman, such one of the other members present, as they may choose, shall preside at the meeting.

(5) The chairman or other person presiding at a meeting of a special advisory committee has a deliberative vote only and, in the event of an equality of votes on any matter before a meeting of the committee, the matter stands adjourned to the next meeting of the committee.

(6) At any meeting of a special advisory committee a quorum is constituted if at least half the number of members of the committee, as determined pursuant to subsection (2) of this section, is present.

(7) Subject to this Act, the Minister may make arrangements to render available to a special advisory committee such accommodation and assistance as it may require.

(8) The members of a special advisory committee may be paid such travelling and other allowances as the Governor may approve.

PART III.

RESERVATION AND ACQUISITION OF LAND.

Conservation
purposes.

13 In accordance with this Act, land may be set aside for any of the following purposes, that is to say:—

- (a) Its management and maintenance as a national park or otherwise for the purposes of public recreation;
- (b) The preservation or protection of the fauna or flora contained therein, or of any such fauna or flora;

- (c) The preservation or protection of the natural beauty thereof or of any features thereof of natural beauty or scenic interest;
- (d) The preservation or protection of any features thereof, or buildings contained therein, being features or buildings of historical, archaeological, scientific, or architectural interest;
- (e) The preservation or protection of any aboriginal relics thereon; or
- (f) Any purposes that, in the opinion of the Governor, would promote the conservation of any of the fauna or flora of the State or increase the knowledge thereof,

and any such purpose is, in this Act, referred to as a conservation purpose.

14—(1) Where the Governor is of opinion that any land should be set aside for a conservation purpose he may, by proclamation, declare that land to be a conservation area; but no proclamation shall be made under this section in respect of land that is not Crown land without the consent of the owner thereof.

Reservation and acquisition of land as conservation areas.

(2) The Governor may acquire any land that he is of opinion should be so acquired for any conservation purpose; and the area of any land so acquired becomes a conservation area.

(3) Where the Minister, on the recommendation of the Director, is satisfied that any land should, at least for a period, be set aside for any conservation purpose, the Commissioner may, in the name and on behalf of Her Majesty, take a lease of that land for such term, and on such covenants and conditions, as may be approved by the Director; and for as long as that land is held on such a lease the area of that land is a conservation area.

15—(1) The Governor may, by proclamation, declare the area of any land that is, or forms part of, a conservation area (not being a local reserve or private reserve) to be a State reserve.

State reserves and other reserves.

(2) Where, on the coming into force of a proclamation under subsection (1) of section fourteen, any land vested in a public authority becomes, or becomes part of, a conservation area the area of that land becomes a local reserve.

(3) Where, on the coming into force of a proclamation under subsection (1) of section fourteen, any land, not being Crown land or land vested in a public authority, becomes, or becomes part of, a conservation area the area of that land becomes a private reserve.

(4) Subject to any proclamation made under section sixteen, where any area of land has become a conservation area or a State reserve, a local reserve, or a private reserve, it remains such an area or such a reserve notwithstanding any subsequent disposition of the land or any other dealing therein.

(5) The foregoing provisions of this section do not apply to any area of land for the time being held on lease under subsection (3) of section fourteen (in this Act referred to as "a leased reserve"); but for the purposes of this Act a leased reserve shall be regarded as a State reserve.

(6) Any land within a conservation area is in this Act referred to as reserved land.

Revocation of reservations.

16—(1) Subject to this section, the Governor may, by proclamation, declare that, on such date as may be specified in the proclamation, the area of any land shall cease to be, or form part of, a conservation area or a State reserve, and, on that date, that conservation area or State reserve is abolished or varied accordingly.

(2) The whole or any part of a local reserve or a private reserve that, pursuant to a proclamation made under subsection (1) of this section, ceases to be, or form part of, a conservation area, ceases to be, or form part of, such a reserve, and that reserve is abolished or varied accordingly.

(3) No proclamation shall be made under this section, except a proclamation that relates only to a local reserve or a private reserve, or a part thereof, unless a draft thereof has been first approved by each House of Parliament.

(4) This section does not apply to leased reserves.

Lands subject to trusts.

17—(1) Land that may be acquired under section fourteen may be so acquired subject to a trust for its use for a conservation purpose.

(2) For the purposes of subsection (1) of this section, where land is held by trustees on trust for its use for a conservation purpose those trustees may, unless the instrument under which the land is held otherwise provides, surrender that land subject to its continuing to be held on that trust.

(3) Any Crown land subject to a trust under this section is in this Act referred to as "trust land".

Supplementary provisions as to acquisition of land, &c.

18—(1) Land that may be acquired under this Part may be acquired under and in accordance with the *Lands Resumption Act* 1957, or by any means by which land may be surrendered to, or may revert to and revest in, Her Majesty.

(2) Where any land that may be acquired under section fourteen is held under a single title with other land, the Governor may acquire the whole or any part of that other land.

(3) Where the Governor is authorized under this Act to acquire any land, that land may be acquired by the exchange therefor of any Crown land, not being reserved land.

(4) An exchange of land under this section may be made on such terms and conditions as may be agreed, including terms and conditions with respect to the payment, giving, or receipt of any sums or other consideration by way of equality of exchange; and,

for the purpose of effecting the exchange, the Governor, in the name of Her Majesty, may grant any Crown land for an estate in fee simple.

(5) Any land that has been acquired under this Part and does not thereby become reserved land, may, without prejudice to the exercise of any other powers of this Act, be disposed of or dealt with in accordance with the *Crown Lands Act 1935*, or otherwise, as if it were Crown land within the meaning of that Act.

PART IV.

MANAGEMENT OF RESERVED LANDS.

19—(1) In accordance with this Part plans for the use, development, and management of any reserved lands may be approved by the Governor; and any such plan may be a plan that, in whole or in part, rescinds, replaces, or alters any plan previously approved under this section in respect of those lands. Management plans.

(2) No plan shall be approved under this section in respect of any land within a local reserve or a private reserve without the consent of the owner thereof.

(3) The plans approved under this section and for the time being in force in respect of any reserved land are in this Act referred to as the management plan for that land.

20—(1) In accordance with section six it is the responsibility of the Director to cause to be prepared, with a view to their submission to the Governor, such plans as are referred to in subsection (1) of section nineteen. Formulation of management plans.

(2) The Governor shall not approve a plan under section nineteen unless it is submitted to him in accordance with this section.

(3) Before a plan in respect of any reserved land is submitted to the Governor for his approval under subsection (1) of section nineteen the Minister shall furnish the Council with a copy of the plan that it is proposed to submit to the Governor and shall cause to be published in at least three newspapers circulating within the State a notice—

- (a) stating that it is proposed to submit a plan in respect of that land to the Governor for his approval;
- (b) specifying the place at which the plan may be inspected and copies thereof obtained; and
- (c) stating that representations with respect to the plan may be made to the Minister before such date as may be specified in the notice, not being earlier than thirty days after the publication thereof.

(4) Where a notice has been published in respect of a plan under subsection (3) of this section the Director shall, on the payment of such charge (if any) as the Minister may fix, furnish a copy of that plan to any person requesting the same.

(5) After considering any representations with respect to a plan referred to in subsection (3) of this section made to him—

- (a) by the Council within thirty days of a copy of the plan being furnished to it or within such further time as the Minister may allow; or
- (b) by any other person in accordance with a notice published in respect of that plan under that subsection,

the Minister may submit the plan to the Governor for his approval, either unaltered or with such alterations as he thinks desirable having regard to the representations made to him with respect thereto.

Contents of
management
plans.

21—(1) A management plan for any reserved land may specify the purposes for which, or the manner in which, that land, or any part thereof, is to be used, developed, or managed, and, in particular—

- (a) may specify the manner in which the powers of the managing authority under this Act are to be exercised in relation to that land, or any part thereof;
- (b) may prohibit or restrict, in relation to that land, or any part thereof, the exercise of those powers; and
- (c) may contain any other provisions that are authorized by this Act to be contained in that plan.

(2) Subject to subsection (3) of this section, a management plan applying to any land in a State reserve may make provision for the use or development of that land otherwise than under the powers conferred by this Act and for that purpose may authorize the exercise in relation to that land, subject to such restrictions (if any) as may be specified in the plan, of any statutory power.

(3) Any provisions in a management plan giving such authority as is referred to in subsection (2) of this section are of no effect unless the inclusion of those provisions in that plan is approved by resolution of each House of Parliament.

(4) A management plan in respect of any land that is not within a State reserve may prohibit or restrict the exercise in relation to that land of any statutory powers.

(5) Any restriction imposed under this section on the exercise of a statutory power may be a restriction specifying the conditions subject to which it may be exercised, or the circumstances in which it may or may not be exercised.

(6) Any condition imposed under this section on the exercise of a statutory power may be a condition requiring the carrying out, or designed to facilitate or promote the carrying out, of works and other operations during or after the exercise of that power, or requiring the entering into of contracts or the making of any other arrangements designed to secure the carrying out of those works or operations.

(7) In this section “statutory power” means—

- (a) any power under any enactment, other than an enactment in this Act, for the reservation or dedication of Crown land for any purpose, or for the alienation of, or the

grant of private rights in or over, any such land, or for the carrying out of any works or other operations on any such land; or

- (b) any power that, under any enactment, other than an enactment in this Act, may be exercised by a public authority in relation to land vested in it.

22—(1) Subject to the orders made under this section the Director is the managing authority for all reserved land, other than land in a local reserve or a private reserve. Managing authorities for reserves.

(2) The Governor may, by order made with the consent of a public authority or a conservation society, declare that authority or society to be the managing authority for any reserved land.

(3) The Governor may, by order, declare the Director to be the managing authority for any reserved land within a local reserve or a private reserve.

(4) An order under this section in respect of any reserved land may make provision with respect to—

- (a) the defraying of the expenses incurred under this Act in relation to that land; and
 (b) the application of any moneys received under this Act by way of rents, charges, or otherwise, in respect of the land,

and the provisions of this Act and of any enactment relating to any public authority that is the owner of, or the managing authority for, that land have effect subject to the provisions of the order.

(5) An order under the foregoing provisions of this section may be revoked or varied by a further order of the Governor.

(6) No order shall be made under the foregoing provisions of this section—

- (a) in respect of any reserved land for which there is a managing authority other than the Director, without the consent of that managing authority; or
 (b) in respect of land within a leased reserve, a local reserve, or a private reserve, without the consent of the owner thereof.

(7) Notwithstanding anything in this section, the Governor may, by order, declare that on such date as may be specified therein, any order under this section by which the Director, a public authority, or a conservation society is the managing authority for any reserved land shall cease to have effect; and, on that date, the Director, or that authority or society, as the case may be, ceases to be the managing authority for that land.

23—(1) The managing authority for any reserved land is charged with the management and maintenance of that land and may erect or construct, or arrange for the erection or construction, of such buildings and other works as it may consider desirable in connection with the use or management of the land. Functions of managing authority in relation to reserved land.

(2) Where a management plan is in force in respect of any reserved land the managing authority shall carry out its duties in relation to that land for the purpose of giving effect to, and in accordance with the provisions of, that plan.

(3) Without prejudice to the generality of the provisions of subsection (1) of this section, the powers conferred thereby shall be deemed to include power to—

- (a) provide and maintain facilities and conveniences for the use or benefit of persons resorting to reserved land, and charge for the use of those facilities or conveniences;
- (b) sell or let on hire to, or otherwise provide for the use of, those persons, goods, and other articles and things;
- (c) obtain and use for the purpose of the exercise of its powers under this section any produce of, or materials in, reserved land; and
- (d) make arrangements with any other person for the doing of anything referred to in the foregoing provisions of this subsection.

(4) The arrangements referred to in paragraph (d) of subsection (3) of this section may be arrangements pursuant to which any person has the right or obligation to do any of the things referred to in that subsection, and those arrangements may provide for the furnishing of consideration in respect of the giving of that right or the imposition of that obligation.

Dealings with reserved lands.

24—(1) No statutory power, within the meaning of section twenty-one, shall be exercised in relation to any land in a State reserve except as may otherwise be authorized by the management plan for that land.

(2) Subject to any prohibition or restriction imposed by a management plan pursuant to subsection (5) of section twenty-one, nothing in this Act prevents the alienation of, or any other dealing in, any reserved land that is not contained within a State reserve.

(3) Notwithstanding anything in the foregoing provisions of this section, where, at the time that any Crown land becomes reserved land or becomes contained within a State reserve, there are subsisting in respect of that land any private rights, nothing in this Act prejudices or affects those rights, and they continue to subsist and may be dealt with, and the like powers may be exercised in relation thereto, as if that land had not become reserved land or had not become land contained within a State reserve, as the case may be.

(4) Notwithstanding anything in subsection (3) of this section, the power under any Act to terminate, discharge, or otherwise abrogate, any private right over Crown land that is required for the purposes of any other Act or for any public purpose may be exercised in respect of any such right subsisting over reserved land in any case where the Minister, on the recommendation of the Director, certifies that that land should, for the purposes of this Act, be freed from that right.

25 A management plan for any reserved land may declare that that land or any part thereof is a reserve to which the public has not a general right of access; and the area of any land so declared is referred to in this Act as a restricted area. Restriction of public access to reserved land.

26—(1) The Commissioner may, with the approval of the Minister, given on the recommendation of the Director, grant leases of, or licences to occupy, any reserved land that is Crown land on any building erected on any such land, for such period, and upon such terms and conditions, as may be so approved. Leases of, and licences, to occupy reserved Crown land.

(2) No lease or licence granted under this section shall be a lease or licence that authorizes or requires the holder thereof to erect on the land to which the lease or licence relates any building other than—

- (a) a building appurtenant to a building already existing on that land; or
- (b) a building that the Minister is satisfied is intended for use primarily for the purpose of providing tourist accommodation or accommodation for persons resorting to reserved land, or of providing facilities and conveniences for persons availing themselves of any such accommodation or resorting to any such land.

(3) Nothing in this section shall be construed as prejudicing or affecting the operation of the *Forestry Act* 1920 or the *Mining Act* 1929.

27—(1) Where, between any reserved lands (being Crown land or land in a leased reserve) and adjoining lands, there is no sufficient fence or no rabbit-proof fence, the Director, with the approval of the Minister, may cause— Fencing of reserved Crown land.

- (a) a sufficient fence or a rabbit-proof fence to be erected between those lands; or
- (b) any fence between those lands to be converted into a rabbit-proof fence,

and, subject to this section, may recover, as a debt due to the Crown, from the owner of those adjoining lands, half the cost reasonably incurred in erecting that fence, or converting the existing fence, as the case may be.

(2) The Director is not entitled, under subsection (1) of this section, to recover from the owner of any lands referred to in that subsection any part of the costs incurred in the erection or conversion of any fence between reserved lands and those lands unless the erection or conversion is carried out in a manner specified in a notice served by the Director on the owner of those lands at least thirty days before the commencement of the erection or conversion of the fence or in such other manner as may be agreed between the Director and the owner of those lands.

(3) Part IV of the *Boundary Fences Act* 1908 applies to any dispute arising under this section as it applies to disputes arising under that Act, and for the purposes of the provisions of that Act as so applied the Director shall be treated as the owner of the reserved lands to which this section applies.

(4) Section forty-seven of the *Boundary Fences Act* 1908 applies to the service of notices under this section as it applies to the service of notices under that Act.

(5) Words and expressions used in this section have the same meaning as they have for the purposes of the *Boundary Fences Act* 1908.

Saving for leased reserves and trust land.

28 Nothing in this Part authorizes—

- (a) the disposition of, or any other dealing with, a leased reserve contrary to the terms of the lease under which it is held; or
- (b) the disposition of, or any other dealing with, any trust land in breach of the trust relating to that land.

Regulations with respect to reserved lands.

29—(1) Regulations under this Act may make provision with respect to the care, control, and management of any area of reserved land and, without prejudice to the generality of the foregoing provisions of this subsection, may make provision with respect to—

- (a) the preservation or protection of the fauna or flora thereof, or of any living things kept therein;
- (b) the prevention of damage or injury thereto or the property or other things therein;
- (c) the prohibition or control of the removal of any property or other things therefrom;
- (d) the prohibition or control of the bringing into, or over, or the use or possession in or over, that area of land of any conveyance or thing;
- (e) the conduct of persons therein;
- (f) the exclusion or ejection of persons from the area or any part thereof; and
- (g) the making and collection of charges for admission to the area or any part thereof, or for the use of a public highway therein.

(2) No regulations shall be made under this section prohibiting any person from entering, or remaining in, any area (other than a restricted area) unless—

- (a) that prohibition is imposed on account of his conduct or condition; or
- (b) that prohibition is a prohibition on his entering, or remaining in, that area otherwise than in the company of a ranger or other prescribed person.

(3) Regulations made for the purposes of this section may—

- (a) confer powers and discretions on the Director and on rangers and other prescribed persons in relation to the matters referred to in subsection (1) of this section; and
- (b) impose penalties, not exceeding five hundred dollars, in respect of contraventions of the regulations.

(4) The powers referred to in subsection (3) of this section include power, in such cases or circumstances as may be prescribed, to seize, destroy, or kill creatures found in a reserve, except that no

regulations shall be made under this section authorizing the destruction or killing of a creature unless—

- (a) that creature is not under the proper and efficient control of some person; or
- (b) its presence on the reserved land on which it is found is, in the opinion of the person authorized to seize it, causing or likely to cause injury to or damage to, or likely to disturb, the fauna or flora of any reserved land, or any living things kept thereon.

(5) Any regulations made under this section may apply to reserved land generally, to any class of reserved land, or to any specified reserved land.

(6) Regulations made under this section do not prohibit the doing of anything in a private reserve by the owner or occupier thereof, or of any person acting on his authority, that he would have been entitled to do if those regulations had not been made.

(7) Nothing in this section prejudices or affects the exercise of any authority given by a permit granted under section thirty-five.

30—(1) The Director may, with the consent of the owner of any land affected—

Notable buildings and places.

- (a) place and maintain on any building, structure, or tree, plaques, plates, boards, or other notices indicating any matter of historical, archaeological, architectural, or scientific interest relating thereto;
- (b) erect and maintain cairns or other monuments to mark sites of historical or archaeological interest;
- (c) restore, repair, preserve, or maintain any grave, monument, or tree of historical or archaeological interest; and
- (d) erect and maintain guide posts to any place, building, structure, tree, or object of historical, archaeological, architectural, scientific, or scenic interest.

(2) In exercising the powers conferred by paragraph (d) of subsection (1) of this section the Director shall consult with the Tourism Development Authority.

(3) Except with the consent of the Director, no person shall remove, destroy, damage, or disfigure anything placed, erected, restored, repaired, or maintained under this section.

Penalty: Five hundred dollars or six months' imprisonment, or both such fine and imprisonment.

PART V.

CONSERVATION OF FAUNA AND FLORA.

31—(1) For the purposes of this Act any living creature, not being—

Interpretation of Part V.

- (a) a dog or cat;
- (b) a form of stock within the meaning of the *Stock Act* 1932; or
- (c) a seal or any fish within the meaning of the *Fisheries Act* 1959,

shall be regarded as a form of wildlife, and references in this Act to wildlife shall be construed accordingly.

(2) References in this Act to the products of any form of wildlife shall be construed as references to the dead bodies, or any parts of the dead bodies, of, or any material or thing obtained from the body of, that form of wildlife, and to any eggs or nests of that form of wildlife.

(3) For the purposes of this Act forms of wildlife may be described by reference to all or any of the following matters, that is to say, any species, type, or other classification by which they may be described or identified, or their sex, age, or condition, or any of their attributes or characteristics.

(4) For the purposes of this Act all forms of vegetation and all organisms belonging to the vegetable kingdom shall be regarded as plants, and, unless the contrary intention appears, references in this Act to a plant shall be construed as including references to any fruit, or seed, or any product or part of that plant, and to any such plant, fruit, seed, product, or part that has died or is not capable of growth.

(5) For the purposes of this Act plants may be described by reference to all or any of the following matters, that is to say, any species, type, or other classification by which they may be described or identified, or any of their attributes or characteristics.

(6) Regulations made for the purposes of this Part are in this Act referred to as "the wildlife regulations".

Wildlife
regulations
as to fauna.

32—(1) The wildlife regulations may, in relation to wildlife or any form of wildlife, make provision for the prohibition or control of—

- (a) the taking of the wildlife or any products thereof;
- (b) the use or having in possession of any hunting equipment intended to be, or capable of being, used for the purpose of taking the wildlife or any products thereof;
- (c) the use of any living thing for the purpose of taking the wildlife or any products thereof; and
- (d) the keeping or having in possession of, or the buying or selling of, or other dealings in, or the exportation of, or the disposal of, the wildlife or any products thereof.

(2) The wildlife regulations may require the payment of royalties in respect of the taking of any form of wildlife and make provision for the collection thereof.

(3) The wildlife regulations may contain—

- (a) provisions for the preservation of good order among persons engaged in taking wildlife or any form of wildlife; and
- (b) provisions for authorizing or regulating the taking, for the purposes of protecting any crops or property, of any form of wildlife, and regulating the disposal of the carcase, or any part of the carcase, of any wildlife so taken, and the application of the proceeds thereof.

Wildlife
regulations
as to flora.

33—(1) The wildlife regulations may prescribe the plants that are to be protected plants for the purposes of this Act.

(2) The wildlife regulations may prohibit or control the taking, having in possession, buying or selling of, or other dealings in, or the exportation of, or the disposal of, any protected plant.

34—(1) The wildlife regulations may make differing provisions with respect to different places or parts of the State and with respect to different times, places, and circumstances; and, in particular, may prohibit the doing of any act during specified periods, or otherwise than during specified periods, or in specified places or parts of the State, or otherwise than in specified places or parts of the State.

Supplementary provisions as to wildlife regulations.

(2) The wildlife regulations may confer powers or discretions on the Director, rangers, officers of the Service, and other persons.

(3) The power to make provision in the wildlife regulations for the prohibition or control of the doing of any act includes power to make provision for the prohibition of the doing of that act otherwise than under the authority of a licence or permit, and, in relation thereto to make provision with respect to—

- (a) the terms of any such licences or permits and the authority granted thereby;
- (b) the issue, duration, renewal, suspension, cancellation, or surrender of any such licences or permits; and
- (c) the circumstances in which, or the conditions under which, any such licences or permits may, or may not be, issued or renewed, or refused to be issued or renewed, or suspended, cancelled, or surrendered.

(4) The wildlife regulations, in relation to any matter that may be made the subject of prohibition or control under the regulations, may make provision for—

- (a) the production, inspection, marking, or identification of any wildlife or the products thereof, or any protected plant; and
- (b) the giving of notifications and other information to the Director, rangers, officers of the Service and other persons, and the keeping and production of records.

(5) The wildlife regulations may require the payment of fees or charges in respect of the issue or renewal of licences or permits issued under the regulations, or in respect of applications for any such issues or renewals, or in respect of any inspection, marking, or identification carried out under the regulations, and may make provision for the collection of any such fees or charges.

(6) References in this section to the doing of any act shall be construed as including references to the keeping of any thing, the having of any thing in possession and the engaging in any activity or course of conduct.

(7) The wildlife regulations may impose penalties for contraventions of any of the provisions thereof, and, in pursuance of this subsection—

- (a) different penalties may be imposed for successive contraventions of those provisions or any of them;

- (b) a daily penalty, not exceeding twenty dollars, may be imposed in respect of each day for which the contravention continues; and
- (c) additional penalties, in addition to any penalty otherwise prescribed, not exceeding twenty dollars, may be imposed in respect of—
 - (i) each individual creature, the products of each individual creature, or each plant; or
 - (ii) each piece of hunting equipment,
 with respect to which the contravention was committed.

(8) Any penalty imposed pursuant to this section in respect of any individual contravention, and the aggregate of all the penalties so imposed, shall not, in any case, exceed five hundred dollars.

(9) Nothing in the wildlife regulations prejudices or affects the exercise of any authority given by a permit granted under section thirty-five.

Special permits
to take
wildlife.

35—(1) The Director may grant permits authorizing, subject to compliance with such conditions and restrictions (if any) as may be specified in the permit, the taking, on such lands as may be specified in the permit of such forms of wildlife, or such eggs, or such protected plants, as may be so specified.

(2) No permit shall be granted under this section—

- (a) in respect of any land in a State reserve, except with the consent of the Minister;
- (b) in respect of any land in a local reserve or a private reserve, except on the application or with the consent of the owner thereof;
- (c) in respect of any reserved land of which a conservation society or a public authority is the managing authority, except on the application or with the consent of that society or authority.

(3) A permit granted under subsection (1) of this section shall specify the period (being a period not exceeding twelve months in length) for which it is to remain in force, and, at the end of the period so specified, the permit ceases to be of further effect.

(4) The Director may grant permits authorizing, subject to compliance with such conditions and restrictions (if any) as may be specified in the permit, the keeping or having in possession by any person of such wildlife, or such products thereof, or such protected plants as may be specified in the permit.

(5) The Director may, at any time, revoke a permit granted under this section, but where the consent of the Minister was required to the grant of a permit that permit shall not be revoked without his consent.

(6) The wildlife regulations may make provision for the payment of fees on the making of an application for, or the grant of, a permit under this section.

36 The issue of any licence or the granting of any permit under this Part or under the wildlife regulations does not render lawful the entering on any land that would have been unlawful if that licence had not been issued or that permit had not been granted.

Saving for rights of landowners, &c.

37—(1) No person shall bring into the State, or cause or allow to be brought into the State, any fox, wolf, dingo, or mink.

Prohibition on introduction, &c., of certain creatures.

(2) No person shall, without the permission in writing of the Director, bring into the State, or cause or allow to be brought into the State, any prescribed creature.

(3) No person shall cause, or allow, to go at large in the State any fox, wolf, dingo, mink, or ferret.

(4) No person shall, without the consent in writing of the Director, cause, or allow, to go at large in the State any prescribed creature.

(5) For the purposes of this section "prescribed creature" means—

(a) any mammal, bird, amphibian, or reptile; or

(b) any other creature prescribed as a creature to which this section applies,

other than a dog or cat, or any stock within the meaning of the *Stock Act 1932*.

(6) Any person guilty of an offence under this section is liable to a penalty of five hundred dollars in respect of each creature in respect of which the offence was committed.

PART VI.

PROVISIONS RELATING TO ENFORCEMENT.

38 Subsection (5) of section fifty-five of the *Police Offences Act 1935* applies in respect of this Part as it applies in respect of that section as if the reference in that subsection to that Act were a reference to this Act.

Interpretation of "found offending".

39—(1) Where an authorized officer has reasonable grounds for believing that a person has committed, or is committing, an offence against this Act, he may require that person to state his name and the address of his place of abode.

Power to require offenders to disclose identity and leave land.

(2) Where a person is found offending within any reserved land against any provision of this Act an authorized officer may require him to leave the reserved land.

(3) The owner or occupier of any land, or an employee or agent of such an owner or occupier, may require any person trespassing on that land whom he has reasonable grounds for believing has committed, or is committing, an offence against this Act—

(a) to state his name and the address of his place of abode; and

(b) to leave that land.

(4) A person who, when required under this section to state his name and the address of his place of abode, fails or refuses to give his full name and that address or gives a name or address that is false, is guilty of an offence.

(5) A person who, when required under this section to leave any land, refuses to do so, or does not do so with reasonable expedition, is guilty of an offence.

Production
of licences
and permits.

40 An authorized officer may require any person to produce any licence or permit issued to him under Part V or under the wildlife regulations and any person who fails or refuses to comply with such a requirement is guilty of an offence.

Powers of
seizure.

41—(1) Where an authorized officer has reasonable grounds for believing that an offence has been committed under this Act with respect to any wildlife or the products thereof, or any plant, he may seize that wildlife or those products or that plant, or any products of that wildlife.

(2) Where an authorized officer has reasonable grounds for believing—

- (a) that any hunting equipment has been used in, or in connection with, the commission of an offence under this Act; or
- (b) that any thing has been taken or is in the possession of any person contrary to the provisions of this Act,

he may seize that equipment or thing.

(3) An authorized officer may seize any living thing that he has reasonable grounds for believing has been used for the purpose of taking wildlife contrary to the provisions of this Act.

(4) Where any thing is seized under this Act, the person by whom it was seized may, subject to the directions of the Director, or some person authorized by him in that behalf, retain it until the determination of any proceedings that may be instituted in respect of an offence against this Act against the person from whom it was seized.

(5) Where any thing has been seized from any person under this Act and no proceedings have been instituted against that person for an offence on conviction for which it may be forfeited to the Crown, a court of petty sessions, on the application of that person, may direct it to be returned to him, and, on the making of that direction, the authority under subsection (4) of this section to retain it ceases.

(6) Any person who, when required to do so by an authorized officer, refuses to deliver to that officer any thing the officer is entitled to seize under this Act is guilty of an offence.

Powers of
entry and
search.

42—(1) Where an authorized officer has reason to believe that any thing which he is entitled to seize under this Act is in or on any premises, conveyance, or container he may search those premises or that conveyance or container.

(2) An authorized officer may inspect and search any premises or conveyance where any wildlife or any products thereof, or any plants are kept for sale, or offered or exposed for sale, or where he has reasonable grounds for believing that any wildlife or any products thereof, or any plants are kept for sale, or offered or exposed for sale.

(3) An authorized officer may inspect and search any premises at which any person is, under any licence or permit issued or granted under the wildlife regulations or under section thirty-five, authorized to keep or have in possession any wildlife.

(4) For the purposes of conducting a search under this section in a conveyance an authorized officer may require that conveyance to be stopped and, if it is on reserved land or on any water, he may bring it, or cause or require it to be brought, to some convenient place for the search to be carried out.

(5) For the purposes of the exercise of the powers conferred on him by section forty-one or this section an authorized officer may enter any premises or conveyance or open any container.

(6) For the purpose of facilitating the exercise of his powers under this section in respect of any premises, conveyance, or container, an authorized officer may require the person apparently in charge of those premises, or that conveyance or container, or any of his servants or agents, to afford him such assistance as he may require.

(7) A person who, without reasonable excuse (proof whereof lies on him) refuses or fails to comply with any requirements made to him by an authorized officer under this section is guilty of an offence.

43 An authorized officer may arrest without warrant any person found offending who— Powers of arrest.

- (a) fails or refuses, on demand, to give his full name and the address of his place of abode;
- (b) gives any name or address that the officer has reasonable grounds for believing is false; or
- (c) does not deliver up to that officer, on demand, any thing in his possession or under his control, that the officer is entitled to seize under this Act.

44 A person who is guilty of an offence against this Part is liable to a penalty of five hundred dollars or six months' imprisonment, or to both such fine and imprisonment. Penalty.

45—(1) Where the holder of a licence or permit under the wildlife regulations is charged with an offence thereunder he shall produce the licence or permit to the court before which the charge is heard. Production and cancellation of licences in proceedings for offences.

Penalty: Twenty dollars.

(2) Where a person fails to comply with subsection (1) of this section in respect of any charge the court before which he is charged may forthwith, and on its own knowledge of the offence, convict him of the offence and impose a penalty on that conviction.

(3) Where a person is convicted of an offence against this Act the court may, in addition to or in lieu of, imposing any other penalty order any licence or permit held by him under the wildlife regulations to be cancelled; and thereupon that licence or permit ceases to be of any further effect.

(4) Where a licence or permit is ordered to be cancelled under subsection (3) of this section the clerk of the court, if the licence or permit is available to him, shall endorse thereon a statement that the licence or permit has been cancelled and shall cause it to be delivered to the Director.

Forfeiture of articles, &c., on conviction.

46—(1) Any wildlife or the products thereof, or any plants, taken, had in possession, bought, sold, dealt with, exported, or disposed of, in contravention of any of the provisions of this Act, are forfeited to the Crown, and the conviction of any person for contravention has effect as a condemnation of that wildlife or those products, or those plants, without the necessity of a complaint being laid for that condemnation.

(2) On conviction for an offence under this Act, the court may declare forfeited to the Crown any hunting equipment used in, or for the purposes of, the commission of that offence, or in relation to which the offence was committed.

(3) Any wildlife or the products thereof, any plants, and any equipment, that are forfeited under this section, shall be disposed of in the manner prescribed or, if no manner is prescribed, as the Director may determine.

Compensation on conviction for offences.

47—(1) Where a person is convicted of an offence under this Act, and in or as a result of the commission of that offence, damage or injury was caused to any property, or any wildlife was taken, the court by which he is convicted may, in addition to, or in lieu of, imposing any penalty or making any other order on that conviction, order that person to pay to the appropriate authority such sum as it thinks reasonable by way of compensation for the damage or injury, or the taking of the wildlife, as the case may be.

(2) In this section “appropriate authority” means—

- (a) in the case of an offence under section thirty, the Director;
- (b) in the case of any other offence, being an offence committed on reserved land, the managing authority therefor, or, if there is no managing authority for that land, the owner thereof; or
- (c) in any other case, the owner (if any) of the property or creature in respect of which the sum was ordered to be paid.

PART VII.

SUPPLEMENTAL.

Capacity, &c., to consent.

48—(1) A body corporate may give any consent for the purposes of this Act, notwithstanding that, apart from this subsection, it would have no power or capacity to give that consent.

(2) Nothing in this Act entitles the owner of any land to give any consent for the doing of anything in relation to that land in derogation of the estate of any other person in occupation of that land without the consent of that other person.

49—(1) Where any money or other property is given, devised, or bequeathed for any conservation purpose, that money, and the proceeds of the realization of that property, may be paid into a trust account established under Part IV of the *Public Account Act* 1957, and the moneys for the time being standing to the credit of that account shall not be applied otherwise than for that purpose. Gifts for conservation purposes.

(2) Any interest arising from the investment of moneys paid into a trust account established pursuant to this section shall be paid into that account.

(3) Nothing in this section prejudices or affects the operation of any trust to which any money or other property is subject.

50—(1) Except as otherwise expressly provided therein, all moneys received by, or on behalf of, the Commissioner or the Director under this Act shall be paid into the Consolidated Revenue, and the expenses incurred in the administration of this Act shall be defrayed out of moneys provided by Parliament for the purpose. Expenses of Act

(2) In accordance with Part IV of the *Public Account Act* 1957 trust accounts may be established with respect to specified reserved lands of which the Director is, pursuant to subsection (1) of section twenty-two, the managing authority; and any such account is referred to in this section as a "special local account".

(3) Except as the Treasurer may otherwise direct, there shall be paid into a special local account established in respect of any reserved lands—

- (a) all moneys received by, or on behalf of, the Director in the exercise of his functions as managing authority for those lands; and
- (b) all moneys received by way of rent, or otherwise, in respect of leases or licences granted under section twenty-six in respect of those lands.

(4) Except as the Treasurer may otherwise direct, the moneys for the time being standing to the credit of a special local account established in respect of any reserved lands shall be applied, as the Director may determine, in meeting expenses incurred by him in the exercise of his functions as managing authority for those lands.

51—(1) The Governor may make regulations for the purposes of this Act. Regulations.

(2) Nothing in the regulations made for the purposes of this Act prohibits the doing of anything required to be done for the purposes of complying with any other Act.

52 The Acts that are specified in Part II of the first schedule are amended as respectively specified in that schedule. Consequential amendments.

Transitory provisions.

53 The provisions set out in the second schedule have effect for the purposes of the transition to the provisions of this Act from the law in force before the commencement of this Act.

THE FIRST SCHEDULE

(Sections 2 and 52.)

PART I.

ACTS REPEALED.

Animals and Birds Protection Act 1928 (19 Geo. V No. 51).
Animals and Birds Protection Act 1961 (No. 23 of 1961).
Scenery Preservation Act 1915 (6 Geo. V No. 15).
Scenery Preservation Act 1964 (No. 39 of 1964).

PART II.

ACTS AMENDED.

Cruelty to Animals Prevention Act 1925.
 (16 Geo. V No. 30.)

Section five is amended by omitting subsection (4).

Fisheries Act 1959.
 (No. 16 of 1959.)

Section thirty-seven is amended by omitting subsection (3).

Forestry Act 1920.
 (11 Geo. V No. 60.)

1. Section five is amended—

(a) by omitting the word “This” and substituting therefor the words “(1) Except as otherwise provided in this section, this”; and

(b) by adding at the end thereof the following subsections:—

“(2) This Act applies to Crown land that is reserved land within the meaning of the *National Parks and Wildlife Act 1970*, but, in its application to any such land, has effect subject to the provisions of that Act.

“(3) Subsection (2) of this section does not have effect so as to apply the provisions of any Act (other than this Act) to any land to which they did not apply immediately before the commencement of that subsection.”.

2. Section fourteen is amended by adding at the end thereof the following subsection:—

“(3) Nothing in this section shall be construed as preventing any conservation area or State reserve, within the meaning of the *National Parks and Wildlife Act 1970*, from comprising or including the whole or any part of a State forest.”.

Hydro-Electric Commission Act 1944.
 (8 & 9 Geo. VI No. 22.)

Section sixty-three is amended by omitting from subsection (3A) the words “Scenery Preservation Board and the Animals and Birds Protection Board” and substituting therefor the words “Director of the National Parks and Wildlife Service”.

Lands Resumption Act 1957.
 (No. 88 of 1957.)

Section twenty-two is amended—

(a) by omitting paragraph (a) of subsection (2); and

(b) by adding at the end thereof the following subsection:—

“(3) This section has effect subject to the *National Parks and Wildlife Act 1970*.”.

Mining Act 1929.
(20 Geo. V No. 71.)

Section five is amended—

- (a) by inserting in subsection (2), after the words “provisions of”, the words “subsection (2A) and ”; and
(b) by inserting after that subsection the following subsection:—

“(2A) This Act applies to reserved land within the meaning of the *National Parks and Wildlife Act 1970*, but, in its application to that land, has effect subject to the provisions of that Act.”.

National Park and Florentine Valley Act 1950.
(No. 71 of 1950.)

Section four is amended by omitting subsection (3).

Vermin Destruction Act 1950.
(No. 68 of 1950.)

Section four is amended by omitting paragraphs (a) and (g) of the definition of “public authority” in subsection (1) thereof.

THE SECOND SCHEDULE.

(Section 53.)

TRANSITORY PROVISIONS.

PART I.

General.

1. On the commencement of this Act, the following areas of land become conservation areas, that is to say:—

- (a) The areas of land that, immediately before that commencement, were Crown reserves or sanctuaries within the meaning of the *Animals and Birds Protection Act 1928*;
- (b) The areas that, immediately before that commencement, were districts declared under paragraph (c) of subsection (1) of section six of that Act; and
- (c) The areas of any lands that, immediately before that commencement, were reserves within the meaning of the *Scenery Preservation Act 1915*,

and shall be deemed so to have become by virtue of the provisions of section fourteen.

2. On the commencement of this Act, the areas of the lands referred to in sub-paragraph (c) of paragraph 1 of this schedule become State reserves, and shall be deemed so to have become by virtue of the provisions of section fifteen.

3. All moneys that, immediately before the commencement of this Act, stood to the credit of the Animals and Birds Protection Board Account shall be paid into the Consolidated Revenue; and section twenty-six of the *Animals and Birds Protection Act 1928* continues to apply to any moneys due at that commencement, to be paid to, or to any person on behalf of, the Animals and Birds Protection Board, as if this Act had not been enacted.

4. Subject to this Act, all rights, obligations, and liabilities of the Animals and Birds Protection Board and of the Scenery Preservation Board subsisting at the commencement of this Act are transferred to and vest in the Director; but nothing in this paragraph shall be construed as authorizing or requiring the Director to employ any person.

PART II.

Transference of officers.

1. In this Part of this schedule, unless the contrary intention appears—
 “Board” means the Public Service Appeal Board;
 “Commissioner” means the Public Service Commissioner;
 “former authority” means the Animals and Birds Protection Board or the Scenery Preservation Board.

2—(1) Any person who, immediately before the commencement of this Act, was in the employment of a former authority becomes on that commencement an officer of the Public Service in a classification determined by the Public Service Commissioner, being a classification the remuneration and conditions of service attached to which substantially correspond to those which attached to his employment with that authority.

(2) Sub-paragraph (1) of this paragraph does not apply to persons whose employment with a former authority immediately before the commencement of this Act was of a temporary nature, but, subject to sub-paragraph (3) of this paragraph, such a person shall be deemed to have been appointed on that commencement a temporary employee under the *Public Service Act 1923*.

(3) The foregoing provisions of this paragraph do not apply to persons who, immediately before the commencement of this Act, were not being employed full-time by a former authority, and any such person shall on that commencement be deemed to have become employed under subsection (2) of section seven on the like terms and conditions as he was employed by that authority immediately before that commencement.

(4) For the purpose of giving effect to the foregoing provisions of this paragraph, the Public Service Commissioner shall determine—

- (a) whether, for the purposes of sub-paragraph (1) of this paragraph, a classification is a classification the remuneration and conditions of service attached to which substantially correspond to those which attached to any particular employment with a former authority;
- (b) whether any employment with such an authority was of a temporary nature; and
- (c) whether any employment with such an authority was not in a full-time capacity,

and, subject to the following provisions of this paragraph, a determination of the Commissioner under this paragraph is final.

(5) Any person who is aggrieved by a determination of the Commissioner under sub-paragraph (4) of this paragraph in his case may appeal to the Board and the Board, unless it dismisses the appeal, may substitute, for that determination and other determination that it is satisfied that the Commissioner should have made in respect of that person under that paragraph, and any determination so substituted has effect as a determination of the Commissioner in place of the determination in respect of which the appeal is made.

(6) Subsections (5), (6), (8), (8A), (9), and (12) of section thirty-three A of the *Public Service Act 1923* apply in respect of appeals under this paragraph as they apply in respect of appeals under that section, except that a notice of appeal may be lodged with the Commissioner at any time before the expiration of one month commencing on the commencement of this Act or the day on which the appellant was notified of the determination in respect of which the appeal was made, whichever is the later.

(7) In the making of a determination under this paragraph there shall be disregarded and treated as of no effect any decision or determination of a former authority in so far as it appears to have been made to secure to any person any undue advantage under this paragraph.

(8) Any person who becomes an officer of, or temporarily employed in, the Public Service pursuant to this paragraph shall be deemed, on so becoming, to become an officer of the National Parks and Wildlife Service.

3—(1) For the purpose of determining the rights of any person under the *Public Service Act 1923* the service of that person in the employment of a former authority that terminated on his being appointed Director or on his becoming an officer of, or temporarily employed in, the Public Service under this Act shall be treated as service of a similar nature in the Public Service,

and any leave of absence (not being long service leave or leave of absence of a similar nature) granted during that employment for any purpose shall, as far as practicable, be treated as leave of absence for the like purpose granted under that Act.

(2) For the purpose of determining the rights of any person under the *State Employees (Long-Service Leave) Act 1950* each former authority shall be treated as a State authority within the meaning of that Act, and any long service leave, or leave in the nature of long service leave, granted to an employee of a former authority, and any payment in lieu of the granting of any such leave made to such an employee by such an authority, shall, for the purposes of that Act, be treated as having been granted or paid thereunder in respect of service with that authority.

(3) Nothing in sub-paragraph (2) of this paragraph authorizes or requires any payment to be made to any person in respect of the termination of his employment (whether by death or otherwise) with a former authority or authorizes or requires any such authority to grant leave of absence to any person.

4. Where arrangements have been made by a former authority for the provision of superannuation or similar benefits to or in respect of any person who was in the employment of that authority and that person becomes the Director or becomes an officer of the Public Service pursuant to this Part of this schedule but does not, in either case, become a contributor within the meaning of the *Superannuation Act 1938*, the Treasurer, on the application of that person, may approve those arrangements, either with or without modification, and may, subject to such conditions as he may specify in giving that approval, make such contributions or other payments as may be provided for in that behalf in the arrangements as so approved.

5. Where the Commissioner is satisfied that immediately before the commencement of this Act an officer of the Public Service was wholly or mainly engaged in carrying out duties in the exercise of the functions of a former authority he may direct that on that day that officer becomes an officer of the National Parks and Wildlife Service.

POLICE OFFENCES.

No. 48 of 1970.

AN ACT to amend the *Police Offences Act 1935*.
[8 December 1970.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Police Offences Act 1970*. Short title and citation.

(2) The *Police Offences Act 1935*, as subsequently amended, is in this Act referred to as the Principal Act.

Committal
of certain
offenders
to an
institution.

2 Section seventy-two of the Principal Act is amended—

- (a) by inserting in subsection (1), after the word “magistrate” (first occurring), the words “or before two justices”;
- (b) by inserting in that subsection, after the word “thinks”, the words “, or as the case may be, those justices if they think”; and
- (c) by inserting in that subsection, after the word “magistrate” (last occurring), the words “or justices”.

**ROYAL TASMANIAN SOCIETY FOR THE BLIND
AND DEAF.**

No. 49 of 1970.

AN ACT to amend the *Royal Tasmanian Society
for the Blind and Deaf Act 1963.*

[8 December 1970.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title
and citation.

1—(1) This Act may be cited as the *Royal Tasmanian Society for the Blind and Deaf Act 1970.*

(2) The *Royal Tasmanian Society for the Blind and Deaf Act 1963*, as subsequently amended, is in this Act referred to as the Principal Act.

The schedule.

2 The schedule to the Principal Act is amended by adding at the end of paragraph 11 the following sub-paragraph:—

“(2) Notwithstanding sub-paragraph (1) of this paragraph or any other law relating to the investment of trust funds by trustees, the Board may invest any part of its funds in or in connection with—

- (a) the purchase of land and the erection thereon of a dwelling-house; or
- (b) the purchase of land and a dwelling-house,

for occupation by an officer of the Board and may let any such dwelling-house to an officer of the Board on such terms and conditions as the Board may determine.”.