

NATIONAL PARKS AND WILDLIFE CONSERVATION ACT 1975

No. 12 of 1975

An Act to make provision for and in relation to the Establishment of National Parks and other Parks and Reserves and the Protection and Conservation of Wildlife.

BE IT ENACTED by the Queen, the Senate and the House of Representatives of Australia, as follows:—

PART I—PRELIMINARY

1. This Act may be cited as the *National Parks and Wildlife Conservation Act 1975*.¹ Short title.
2. This Act shall come into operation on the day on which it receives the Royal Assent.¹ Commencement.
3. (1) In this Act, unless the contrary intention appears— Interpretation.
 - “Aboriginal” means a member of the Aboriginal race of Australia and includes a Torres Strait Islander;
 - “agreement” includes a treaty or convention;
 - “aircraft” means a machine or apparatus that can derive support in the atmosphere from the reactions of the air or from buoyancy, but does not include a hovercraft;
 - “animal” means any member, alive or dead, of the animal kingdom (other than man), and includes—
 - (a) eggs or parts of eggs; and
 - (b) the skin, feathers, horns, shell or any other part of an animal;
 - “article” includes a substance or a mixture of substances;
 - “Australia” includes the external Territories to which this Act extends;
 - “Australian coastal sea” means any sea or waters the sovereignty in respect of which is declared by the *Seas and Submerged Lands Act 1973* to be vested in the Crown in right of Australia, but does not include any waters referred to in section 14 of that Act;
 - “continental shelf of Australia” has the same meaning as in the *Seas and Submerged Lands Act 1973*;
 - “Director” means the Director of National Parks and Wildlife;
 - “Fund” means the Fund established by this Act;

- “hovercraft” means a vehicle designed to be supported on a cushion of air;
- “operations for the recovery of minerals” includes prospecting or exploration for minerals;
- “park” means a park declared under section 7;
- “plan of management” means a plan of management in force under section 12;
- “plant” means any member, alive or dead, of the plant kingdom or of the fungus kingdom, and includes seeds and parts of plants;
- “ranger” means a person appointed as a ranger under section 37;
- “reserve” means a reserve declared under section 7;
- “right” does not include sovereign rights;
- “Service” means the Australian National Parks and Wildlife Service established by this Act;
- “Territory” means an internal Territory or an external Territory to which this Act extends;
- “this Act” includes the regulations;
- “vehicle” includes a hovercraft;
- “vessel” means a ship, boat, raft or pontoon or any other thing capable of carrying persons or goods through or on water, but does not include a hovercraft;
- “warden” means—
- (a) a person appointed as a warden under section 37; or
 - (b) a person referred to in section 38;
- “wilderness zone” means a wilderness zone declared under section 7;
- “wildlife” means—
- (a) animals and plants that are indigenous to Australia;
 - (b) animals and plants that are indigenous to the Australian coastal sea or the sea-bed and subsoil beneath that sea;
 - (c) animals and plants that are indigenous to the continental shelf of Australia or the superjacent waters;
 - (d) migratory animals that periodically or occasionally visit Australia, the Australian coastal sea or the sea over the continental shelf of Australia;
 - (e) animals and plants of a kind introduced into Australia, directly or indirectly, by Aboriginals before the year 1788; and
 - (f) such other animals and plants, not being domesticated animals or cultivated plants, as are prescribed.

(2) In this Act, a reference to the sea-bed includes a reference to the surface of any coral formation, and a reference to the subsoil includes a reference to the coral beneath the surface of any such formation.

(3) In this Act, a reference to public notice is a reference to notice published—

- (a) in the *Gazette*;
- (b) in a local newspaper, if any, circulating in the area concerned; and
- (c) in each State and Territory, in a newspaper circulating throughout that State or Territory.

4. This Act extends to every external Territory other than Papua New Guinea.

Extension of Act to external Territories.

5. This Act binds the Crown in right of Australia or of a State.

Act binds the Crown.

PART II—PARKS AND RESERVES

6. (1) The object of this Part is to make provision for the establishment and management of parks and reserves—

Object of this Part.

- (a) appropriate to be established by the Australian Government, having regard to its status as a national government;
- (b) in the Territories;
- (c) in the Australian coastal sea;
- (d) for purposes related to the rights (including sovereign rights) and obligations of Australia in relation to the continental shelf of Australia;
- (e) for facilitating the carrying out by Australia of obligations under, or the exercise by Australia of rights under, agreements between Australia and other countries; or
- (f) conducive to the encouragement of tourism between the States and between other countries and Australia,

and this Act shall be administered accordingly.

(2) Land shall not be acquired by Australia for the purposes of this Part if it is land that is dedicated or reserved under a law of a State, without consent of the State, for purposes related to nature conservation or the protection of areas of historical, archaeological or geological importance or of areas having special significance in relation to Aborigines.

Parks and
reserves
established
by
Governor-
General.

7. (1) In this section, “area” means—
- (a) an area of land, including an area that has been dedicated or reserved for the purposes of a national park, nature reserve or wildlife sanctuary or for similar purposes under a law of a Territory, in respect of which all right, title and interest is vested in Australia;
 - (b) an area of the Australian coastal sea in respect of the sea-bed and subsoil beneath which no right, title or interest is vested in a person other than Australia;
 - (c) an area of sea over a part of the continental shelf of Australia in respect of which no right, title or interest is vested in a person other than Australia; or
 - (d) an area of land or sea outside the Australian coastal sea in respect of which Australia has, under an agreement between Australia and any other country or countries, obligations relating to wildlife that may appropriately be carried out by the establishment and management of the area as a park or reserve,
- or an area of any such land and any such sea.
- (2) Subject to this section, the Governor-General may—
- (a) by Proclamation, declare an area specified in the Proclamation to be a park or a reserve and assign a name to that park or reserve; and
 - (b) by the same or by another Proclamation, declare the whole or a specified part of the park or reserve to be a wilderness zone.
- (3) A Proclamation under sub-section (2) declaring an area to be a reserve may specify the purpose or purposes for which it is so declared.
- (4) Where a plan of management is in force in relation to a park or reserve, a declaration shall not be made under paragraph (2) (b) in relation to the park or reserve except in accordance with the plan of management.
- (5) A park may be named as a national park or by such other designation as the Governor-General thinks fit.
- (6) Where an area is declared by Proclamation under sub-section (2) to be a park or reserve—
- (a) the subsoil beneath any land within the area, extending to such depth below the surface as is specified in the Proclamation;
 - (b) the waters and sea-bed beneath any sea within the area; and
 - (c) the subsoil beneath any such sea-bed, extending to such depth below the sea-bed as is specified in the Proclamation,
- shall be taken to be within that park or reserve.
- (7) Upon the declaration of a park or reserve under sub-section (2), all right, title and interest held by Australia in respect of the land (including any sea-bed or any subsoil) within the park or reserve, but not

in respect of any minerals, becomes, by force of this sub-section, vested in the Director.

(8) Subject to this section, the Governor-General may, by Proclamation, revoke or amend a Proclamation made under sub-section (2).

(9) A Proclamation under sub-section (8) by virtue of which any land (including any subsoil) or sea, other than land or sea referred to in paragraph (1) (d), ceases to be land or sea within a park or reserve or within a wilderness zone shall not be made except in accordance with a resolution passed by each House of the Parliament in pursuance of a motion of which notice has been given not less than 15 sitting days of that House before the motion is moved.

(10) If, by virtue of a Proclamation made under sub-section (8), any land (including any sea-bed or any subsoil) ceases to be land within a park or reserve, all right, title and interest held by the Director in respect of that land becomes, by force of this sub-section, vested in Australia.

(11) The Governor-General shall not make a Proclamation under this section except after consideration by the Executive Council of a report by the Director in relation to the matter dealt with by the Proclamation.

(12) Before submitting a report for the purposes of sub-section (11), the Director shall—

(a) by public notice—

- (i) state the nature of the report and of any recommendations proposed to be made in the report;
- (ii) invite interested persons to make representations in connexion with the report by such date, not being less than 60 days after the date of publication of the notice in the *Gazette*, as is specified in the notice; and
- (iii) specify an address to which such representations may be forwarded; and

(b) give due consideration to any representations so made,

and, when submitting the report, he shall attach to the report any representations so made, together with his comments on those representations.

(13) Where any land is acquired by Australia for the purposes of this Part, the Minister shall, as soon as practicable after the acquisition, but subject to compliance with sub-sections (11) and (12), cause the carrying out of that purpose to be submitted for consideration by the Executive Council.

Regis-
tration of
changes in
title to land.

8. (1) Where, by reason of a Proclamation under section 7, any land (including any subsoil) in a State or Territory becomes vested in the Director or in Australia, the Crown Solicitor may lodge with the Registrar-General, Registrar of Titles or other proper officer of the State or Territory a copy of the Proclamation, certified under the hand of the Crown Solicitor or of an officer of the Attorney-General's Department authorized by the Crown Solicitor to certify such copies.

(2) The officer with whom a copy of a Proclamation is so lodged may deal with and give effect to the copy of the Proclamation as if it were a grant, conveyance, memorandum or instrument of transfer of the land duly executed under the laws in force in the State or Territory in which the land is situated.

Restriction
on disposal,
&c., of land
in parks and
reserves.

9. (1) Notwithstanding any law of Australia or of a State or Territory, but subject to sub-section (2), no right, title or interest held by the Director in respect of land within a park or reserve shall be sold, leased or otherwise disposed of.

(2) Where the plan of management relating to a park or reserve so provides, the Director may grant leases of, or licences in respect of, land in that park or reserve in accordance with the plan of management.

Mining,
works,
forestry, &c.,
in parks and
reserves and
wilderness
zones.

10. (1) This section has effect notwithstanding any law of Australia or of a State or Territory.

(2) No operations for the recovery of minerals shall be carried on in a park or reserve other than operations that are carried on, with the approval of the Governor-General, in accordance with the plan of management relating to that park or reserve.

(3) Subject to sub-section (4)—

- (a) no excavation shall be carried on;
- (b) no building or other structure shall be erected;
- (c) no works shall be carried out; and
- (d) no timber shall be felled or taken,

in a park or reserve except in accordance with the plan of management relating to that park or reserve.

(4) At a time when no plan of management is in force in relation to a park or reserve, sub-section (3) does not prevent the Director from performing his functions in that park or reserve for the purpose of preserving or protecting the park or reserve, protecting or conserving wildlife in the park or reserve, controlling authorized scientific research or protecting persons or property in the park or reserve.

(5) A wilderness zone shall be maintained in its natural state and shall be used only for scientific research authorized by the Director and

such recreational and other purposes, other than the recovery of minerals, as are specified in the plan of management relating to the wilderness zone, but this sub-section does not prohibit anything done by the Director in accordance with sub-section (6).

- (6) Notwithstanding sub-section (4)—
 - (a) no excavation shall be carried on;
 - (b) no building or other structure shall be erected;
 - (c) no works shall be carried out;
 - (d) no timber shall be felled or taken;
 - (e) no tracks shall be established; and
 - (f) no vehicle, aircraft or vessel shall be used,

in a wilderness zone except by the Director, in accordance with the plan of management relating to the zone, for purposes essential to the management of the zone.

11. (1) As soon as practicable after a park or reserve has been declared, the Director shall prepare a plan of management in respect of that park or reserve. Plans of management.

(2) Before preparing a plan of management in respect of a park or reserve, the Director shall, by public notice—

- (a) state that he intends to prepare a plan of management in respect of that park or reserve;
- (b) invite interested persons to make representations in connexion with the proposed plan by such date, not being less than 1 month after the date of publication of the notice in the *Gazette*, as is specified in the notice; and
- (c) specify an address to which such representations may be forwarded.

(3) A person may, not later than the date specified in the notice, make representations to the Director in connexion with the proposed plan of management, and the Director shall give due consideration to any representations so made.

(4) The plan of management shall specify a date, being a date within 10 years after the date on which the park or reserve was declared, as being the date on which the plan is to cease to have effect.

(5) The plan of management may include provisions in relation to an area that is proposed to be added to the park or reserve, but those provisions shall not have effect until the area is added to the park or reserve.

(6) The plan of management shall set out a detailed description of the manner in which it is proposed to manage the park or reserve and shall include—

- (a) a general description of any existing or proposed buildings, structures, facilities or other development; and
- (b) a detailed description of any operations for the recovery of minerals, or excavation, works or other operations, that may be carried on,

in the park or reserve.

(7) Where a plan of management provides for operations for the recovery of minerals or for excavation or other works, the plan shall set out any conditions that are to be applicable.

(8) In the preparation of the plan of management, regard shall be had to the following objects:—

- (a) in the case of a park—the encouragement and regulation of the appropriate use, appreciation and enjoyment of the park by the public;
- (b) in the case of a reserve—the regulation of the use of the reserve for the purpose for which it was declared;
- (c) the preservation of the park or reserve in its natural condition and the protection of its special features, including objects and sites of biological, historical, palaeontological, archaeological, geological and geographical interest;
- (d) the protection, conservation and management of wildlife within the park or reserve; and
- (e) the protection of the park or reserve against damage.

(9) The plan of management may provide for the division of the park or reserve into zones and set out the conditions under which each zone shall be kept and maintained.

(10) When the Director has prepared the plan of management, he shall, by public notice—

- (a) state that the plan has been prepared;
- (b) invite interested persons to make representations in connexion with the plan by such date, not being less than 1 month after the date of publication of the notice in the *Gazette*, as is specified in the notice;
- (c) specify an address or addresses at which copies of the plan may be inspected or purchased; and
- (d) specify an address to which representations in connexion with the plan may be forwarded.

(11) A person may, not later than the date specified in the notice, make representations to the Director in connexion with the plan of management, and the Director shall give due consideration to any representations so made and, if he thinks fit, alter the plan accordingly.

(12) The Director shall thereupon submit to the Minister—

- (a) the plan of management; and

(b) if representations have been made under sub-section (11)—those representations, together with the comments of the Director on those representations.

(13) The Minister may—

(a) accept the plan of management as so submitted; or

(b) refer it to the Director, together with his suggestions, for further consideration.

(14) Where the plan of management has been so referred to the Director, he shall, as soon as practicable after receipt of the plan, give further consideration to the plan, having regard to the suggestions of the Minister, and again submit the plan, with or without alterations, to the Minister, together with his comments on the suggestions of the Minister.

(15) When the plan of management is again submitted to the Minister, he shall, as soon as practicable after receipt of the plan, accept the plan as so submitted or after making such alterations as he thinks fit.

(16) Where the Minister makes alterations to a plan of management under sub-section (15), he shall prepare a report specifying the alterations and setting out any views expressed by the Director in respect of the matters to which the alterations relate, and the report shall accompany the plan when it is laid before both Houses of the Parliament under section 12.

12. (1) The Minister shall, as soon as practicable after a plan of management has been accepted under section 11, cause it to be laid before both Houses of the Parliament.

Plan of
management
to be laid
before
Parliament.

(2) Either House of the Parliament, within 20 sitting days of that House after the plan of management has been laid before that House, may, in pursuance of a motion upon notice, pass a resolution disallowing the plan of management.

(3) If neither House of the Parliament passes a resolution in accordance with sub-section (2) disallowing the plan of management, the plan of management comes into operation on the day immediately following the last day upon which such a resolution could have been passed by either House.

(4) If, before the expiration of 20 sitting days of a House of the Parliament after the plan of management has been laid before that House—

(a) that House is dissolved or, being the House of Representatives, expires, or the Parliament is prorogued; and

- (b) a resolution for the disallowance of the plan of management has not been passed by that House,

the plan of management shall, for the purposes of this section, be deemed to have been laid before that House on the first sitting day of that House after the dissolution, expiry or prorogation, as the case may be.

(5) If either House of the Parliament passes a resolution in accordance with sub-section (2) disallowing the plan of management, the Minister shall direct the Director to prepare a fresh plan of management and the Director shall thereupon reconsider the matter and prepare a fresh plan of management, and for that purpose section 11 applies accordingly.

(6) As soon as practicable after a plan of management has come into operation, the Minister shall publish a notice in the *Gazette* and in such newspapers as he thinks fit, stating that the plan of management has come into operation and specifying an address or addresses where copies of the plan of management may be inspected or purchased.

(7) The plan of management shall cease to have effect on the date specified in the plan under sub-section 11 (4), unless it is sooner revoked.

(8) It is the duty of the Director to ensure, so far as is practicable, that, on the date on which the plan of management in respect of a park or reserve ceases to have effect under sub-section (7) or as soon as practicable thereafter, a new plan of management in respect of that park or reserve comes into operation.

Amendment
or revocation
of plan of
management.

13. (1) Subject to sub-section (2), the Director may at any time amend a plan of management, and sub-sections 11 (2) to (16) and section 12 apply in relation to any such amendment in like manner as they apply in relation to a plan of management.

(2) A plan of management shall not be amended so as to extend the period of operation of the plan to a date later than the date specified under sub-section 11 (4).

(3) A plan of management in respect of a park or reserve may be revoked by a new plan of management in respect of that park or reserve, but the revocation shall not take effect until the new plan comes into operation.

Director to
comply with
plan of
management.

14. While a plan of management is in force, the Director shall perform his functions and exercise his powers in relation to the park or reserve to which the plan relates in accordance with that plan and not otherwise.

PART III—THE DIRECTOR OF NATIONAL PARKS AND WILDLIFE

15. (1) There shall be a Director of National Parks and Wildlife, who shall be a corporation with perpetual succession.

Director of
National
Parks and
Wildlife.

(2) The corporation shall have a seal, and may sue or be sued in its corporate name.

(3) All courts, judges and persons acting judicially shall take judicial notice of the seal of the corporation affixed to documents and shall presume that it was duly affixed.

(4) At all times after the first appointment of a person to the office of Director, the corporation continues in existence notwithstanding any vacancy in that office.

16. (1) The functions of the Director are—

Functions.

- (a) to administer, manage and control parks and reserves;
- (b) to protect, conserve, manage and control wildlife;
- (c) to conduct surveys, and collect statistics, of and in relation to animals and plants;
- (d) to co-operate with any country in matters relating to the protection and conservation of animals and plants in that country and the establishment and management of national parks and nature reserves in that country;
- (e) to provide, and assist in the provision of, training in the knowledge and skills relevant to the protection, conservation and management of wildlife and the establishment and management of national parks and nature reserves;
- (f) to carry out by himself or in co-operation with other institutions and persons, and to arrange for any other institution or person to carry out, research and investigations relevant to the establishment and management of national parks and nature reserves and the protection, conservation and management of wildlife;
- (g) to make recommendations to the Minister in relation to—
 - (i) the establishment and naming of parks and reserves; and
 - (ii) the protection and conservation of wildlife throughout Australia;
- (h) to administer the Fund; and
- (i) to do anything incidental or conducive to the performance of any of the foregoing functions.

(2) Except as otherwise provided by this Act, the Director shall perform his functions and exercise his powers in accordance with any directions given by the Minister.

(3) The Director shall include in each report prepared under section 52 particulars of any directions given by the Minister under sub-section (2) during the period to which the report relates.

Powers.

17. (1) The Director has power to do all things that are necessary or convenient to be done for or in connexion with the performance of his functions and, in particular, has power—

- (a) to enter into contracts;
- (b) to erect buildings and structures and carry on works;
- (c) to occupy, use and control any land or building owned or held under lease by Australia and made available for the purposes of the Director;
- (d) to acquire, hold and dispose of real or personal property;
- (e) to accept gifts, devises and bequests made to the Director whether on trust or otherwise, and to act as trustee of moneys or other property vested in the Director upon trust; and
- (f) to do anything incidental to any of his powers.

(2) Notwithstanding anything contained in this Act, any moneys or property vested in the Director upon trust shall be dealt with in accordance with the powers and duties of the Director as trustee.

(3) The Director has power to perform any of his functions in co-operation with a State, with an authority of Australia or of a State or with a local governing body.

Aboriginal land.

18. (1) Subject to sub-section (2), the Director may assist and co-operate with Aboriginals in managing land to which this section applies for the purpose of the protection and conservation of wildlife in that land and the protection of the natural features of that land.

(2) The Director shall not take any action under sub-section (1) in relation to any land except—

- (a) after consultation with the Aboriginals, if any, as to whom the Minister is satisfied that they have traditional rights in relation to the land; and
- (b) in accordance with an agreement between the Director and—
 - (i) in the case of land vested in Australia—the Minister of State for Aboriginal Affairs;
 - (ii) in the case of land vested in a State—the Minister of that State or the authority of that State, as the case may be, having responsibility for the administration of that land; or
 - (iii) in the case of any other land—the person in whom, or body in which, the land is vested.

(3) With the consent of the person with whom, or the party or body with which, such an agreement is made by the Director in relation to any

land, the Governor-General may, by Proclamation, assign a name to that land.

(4) This section applies to—

- (a) land vested in an Aboriginal or Aborigines or in a body corporate that is wholly owned by Aborigines;
- (b) land held upon trust for the benefit of Aborigines; or
- (c) any other land occupied by Aborigines.

19. (1) The Director may—

- (a) formulate and implement; and
- (b) co-operate with a State or an authority of a State in formulating and implementing,

Wildlife
conservation
programs.

programs for the purposes of the protection, conservation, management and control of wildlife.

(2) A program formulated under sub-section (1) shall be based upon, among other matters—

- (a) an examination of the habitat of the wildlife to which the program relates;
- (b) an evaluation of the extent to which parks and reserves (including parks and reserves established under a law of a State or Territory) assist in the conservation of the wildlife to which the program relates;
- (c) an assessment and analysis of the population of the wildlife to which the program relates; and
- (d) consideration of the obligations of Australia under agreements between Australia and other countries relating to the protection and conservation of wildlife,

and shall provide for the review, at appropriate intervals, of the matters referred to in paragraphs (a), (b), (c) and (d).

(3) This section is not intended to exclude or limit the concurrent operation of any law of a State.

(4) A program shall not be implemented by the Director under this section until it has been approved by the Minister.

20. (1) Subject to any directions of the Minister, the Director may, by writing signed by him, delegate to an officer of the Service all or any of his powers and functions under this Act (except this power of delegation). Delegation.

(2) A power or function so delegated may be exercised or performed by the delegate in accordance with the instrument of delegation.

(3) A delegation under this section is revocable at will and does not prevent the exercise of a power or the performance of a function by the Director.

- Contracts and leases.** **21.** The Director shall not, without the approval of the Minister—
- (a) enter into a contract involving the payment or receipt of an amount exceeding \$50,000; or
 - (b) take any land on lease for a period exceeding 10 years.
- Appointment of Director.** **22.** (1) The Director shall be appointed by the Governor-General.
- (2) The Director holds office on such terms and conditions (if any) in respect of matters not provided for by this Act as are determined by the Governor-General.
- Qualifications.** **23.** A person shall not be appointed to be the Director unless he has such qualifications and experience in connexion with national parks or the conservation and management of animals and plants as, in the opinion of the Governor-General, render him suitable for the appointment.
- Term of office.** **24.** (1) The Director shall be appointed for such period, not exceeding 7 years, as is specified in the instrument of appointment, but is eligible for re-appointment.
- (2) A person who has attained the age of 65 years shall not be appointed or re-appointed as the Director, and a person shall not be appointed or re-appointed as the Director for a period that extends beyond the date on which he will attain the age of 65 years.
- Remuneration and allowances.** **25.** (1) The Director shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the Tribunal is in operation, he shall be paid such remuneration as is prescribed.
- (2) Subject to the *Remuneration Tribunals Act 1973-1974*, the Director shall be paid such allowances as are prescribed.
- Leave of absence.** **26.** The Minister may grant leave of absence to the Director upon such terms and conditions as to remuneration or otherwise as the Minister determines.
- Resignation.** **27.** The Director may resign his office by writing signed by him and delivered to the Governor-General.
- Termination of office.** **28.** (1) The Governor-General may terminate the appointment of the Director by reason of misbehaviour or physical or mental incapacity.
- (2) If the Director—
- (a) engages in paid employment outside the duties of his office without the approval of the Minister;
 - (b) is absent from duty, except on leave of absence granted by the Minister, for 14 consecutive days or for 28 days in any 12 months; or

- (c) becomes bankrupt or applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit,

the Governor-General shall terminate his appointment.

29. (1) The Minister may appoint a person to act as the Director— Acting Director.

- (a) during a vacancy in the office of Director, whether or not an appointment has previously been made to the office; or
- (b) during any period, or during all periods, when the Director is absent from duty or from Australia or, for any reason, is unable to perform the functions of his office.

(2) A person appointed to act during a vacancy shall not continue so to act for more than 12 months.

(3) The Minister may—

- (a) determine the terms and conditions of appointment, including remuneration and allowances, of a person appointed under this section; and
- (b) at any time terminate such an appointment.

(4) Where a person is acting in the office of Director in accordance with paragraph (1) (b), and the office becomes vacant while he is so acting, he may continue so to act until the Minister otherwise directs, the vacancy is filled or a period of 12 months from the date on which the vacancy occurred expires, whichever first happens.

(5) The appointment of a person under this section ceases to have effect if he resigns the appointment by writing signed by him and delivered to the Minister.

(6) The validity of anything done by a person appointed under this section shall not be called in question on the ground that the occasion for his appointment had not arisen or that his appointment had ceased to have effect.

30. (1) At any time when a person is acting in the office of Director he has, and may exercise, all the powers, and shall perform all the functions, of the Director. Powers, &c., of Acting Director.

(2) At any time when a person is acting in the office of Director in accordance with paragraph 29 (1) (a), he shall be deemed to constitute the corporation referred to in section 15.

31. Where the Director was, immediately before his appointment, an officer of the Australian Public Service or a person to whom the *Officers' Rights Declaration Act 1928-1973* applied— Officers' Rights Declaration Act.

- (a) he retains his existing and accruing rights;

- (b) for the purposes of determining those rights, his service under this Act shall be taken into account as if it were service in the Australian Public Service; and
- (c) that Act applies as if this Act and this section had been specified in the Schedule to that Act.

Super-
annuation.

32. (1) For the purposes of the *Superannuation Act* 1922-1974, the Director shall be taken to be a person who is required, by the terms of his appointment, to give the whole of his time to the duties of his office.

(2) For the purposes of that Act, the termination under sub-section 28 (1) of the appointment of the Director by reason of his physical or mental incapacity shall be deemed to be retirement on the ground of invalidity.

PART IV—ADMINISTRATION

Establish-
ment of
Service.

33. There is established by this Act, for the purpose of assisting the Director in the performance of his functions, a Service by the name of the Australian National Parks and Wildlife Service.

Constitution
of Service.

34. (1) The persons who constitute the Service shall be persons appointed or employed under the *Public Service Act* 1922-1974 and having duties for the purposes of the Service.

(2) The Director has all the powers of, or exercisable by, a Permanent Head under the *Public Service Act* 1922-1974, so far as those powers relate to the branch of the Australian Public Service comprising the persons referred to in sub-section (1), as if that branch were a separate Department of the Australian Public Service.

(3) For the purposes of sub-sections 25 (5) and (6) of the *Public Service Act* 1922-1974, the Director shall be deemed to be a Permanent Head.

Performance
of services by
other
persons.

35. Notwithstanding section 34, the Director may, with the consent of the Minister, engage persons, not being persons referred to in that section, to provide services for the Director.

Officers and
employees of
States and
Government
authorities.

36. (1) The Government of Australia may make arrangements with the Government of a State for the performance of functions and the exercise of powers under this Act by officers or employees of that State or of an authority of that State.

(2) The Director may make arrangements with the Permanent Head of a Department of the Australian Public Service, or with an authority of Australia, for the performance of functions and the exercise of powers under this Act by officers or employees of the Department or of the authority, as the case may be.

37. The Director may, by instrument in writing, appoint—

- (a) an officer of, or employee in, the Service; or
- (b) an officer or employee referred to in section 36,

as a warden or as a ranger.

Appointment
of wardens
and rangers.

38. By force of this section, the Director and any member of the Commonwealth Police Force or of the police force of a Territory is a warden.

Wardens *ex officio*.

39. (1) The Director shall cause to be issued to each warden, other than a member of a police force, and to each ranger, an identity card in the form prescribed, containing a photograph of the holder.

Identity
cards.

(2) A person who ceases to be a warden or a ranger shall forthwith return his identity card to the Director.

Penalty: \$100.

40. (1) A warden may, without warrant, arrest any person, if the warden reasonably believes—

Arrest
without
warrant.

- (a) that the person has committed an offence against this Act; and
- (b) that proceedings against the person by summons would not be effective.

(2) Where a warden (other than a member of a police force who is in uniform) arrests a person under sub-section (1), he shall—

- (a) in the case of a member of a police force—produce, for inspection by that person, written evidence of the fact that he is a member of a police force; or
- (b) in any other case—produce his identity card for inspection by that person.

(3) Where a person is arrested under sub-section (1), a warden shall forthwith bring the person, or cause him to be brought, before a Justice of the Peace or other proper authority to be dealt with in accordance with law.

(4) Nothing in this section prevents the arrest of a person in accordance with any other law.

(5) The powers conferred by sub-section (1) may be exercised anywhere in Australia or the Australian coastal sea or in a park or reserve outside the Australian coastal sea.

41. (1) Where a court convicts a person of an offence against this Act, the court may order the forfeiture to Australia of any vehicle, aircraft, vessel or article used or otherwise involved in the commission of the offence.

Confiscation
and
forfeiture.

(2) A warden may seize any vehicle, aircraft, vessel or article that he reasonably believes to have been used or otherwise involved in the commission of an offence against this Act and may retain it until the expiration of a period of 60 days after the seizure or, if a prosecution for an offence against this Act in the commission of which it may have been used or otherwise involved is instituted within that period, until the prosecution is terminated.

(3) The Director may authorize a vehicle, aircraft, vessel or article seized under sub-section (2) to be released to its owner, or to the person from whose possession it was seized, either unconditionally or on such conditions as he thinks fit, including conditions as to the giving of security for payment of its value if it is forfeited.

(4) A vehicle, aircraft, vessel or article forfeited under this section may be sold or otherwise disposed of as the Director thinks fit.

(5) A warden may seize—

- (a) any animal or plant that he reasonably believes to have been killed or taken in contravention of this Act; or
- (b) any animal that he reasonably believes to have been used or otherwise involved in the commission of an offence against this Act.

(6) Where an animal or plant has been seized under sub-section (5), the Director may cause it to be—

- (a) retained; or
- (b) sold or otherwise disposed of.

(7) Where an animal or plant seized under sub-section (5) was not killed or taken in contravention of this Act or used or otherwise involved in the commission of an offence against this Act, any person who has suffered loss or damage by reason of the seizure is entitled to reasonable compensation.

General powers of wardens and rangers.

42. (1) A warden may, in a park or reserve in Australia or the Australian coastal sea, search a vehicle, aircraft or vessel for the purpose of ascertaining whether there is in or on that vehicle, aircraft or vessel—

- (a) any animal, plant or article in respect of which an offence against this Act has been committed; or
- (b) anything that will afford evidence as to the commission of an offence against this Act,

and for that purpose stop or detain a vehicle, aircraft or vessel.

(2) A warden may, anywhere in Australia or the Australian coastal sea or in a park or reserve outside the Australian coastal sea, search a vehicle, aircraft or vessel if he believes on reasonable grounds that there is in or on that vehicle, aircraft or vessel—

- (a) any animal, plant or article in respect of which an offence against this Act has been committed; or
- (b) anything that will afford evidence as to the commission of an offence against this Act,

and for that purpose stop or detain a vehicle, aircraft or vessel.

(3) A warden or ranger may, in a park or reserve—

- (a) require any person whom he finds committing, or whom he reasonably suspects of having committed, an offence against this Act to state his full name and usual place of residence;
- (b) require any person whom he finds committing, or whom he reasonably suspects of having committed, an offence against this Act to leave that park or reserve; and
- (c) require any person whom he reasonably suspects of having done an act in respect of which the person is required to hold a licence, permit or other authority under this Act to produce such a licence or permit or evidence of such an authority.

(4) Where a warden (other than a member of a police force who is in uniform) stops, or proposes to search or detain, a vehicle, aircraft or vessel, he shall—

- (a) in the case of a member of a police force—produce, for inspection by the person in charge of the vehicle, aircraft or vessel, written evidence of the fact that he is a member of a police force; or
- (b) in any other case—produce his identity card for inspection by that person,

and, if he fails to do so, he is not authorized to search or detain that vehicle, aircraft or vessel.

(5) Where a warden (other than a member of a police force who is in uniform) or a ranger makes a requirement of a person in pursuance of sub-section (3), he shall—

- (a) in the case of a member of a police force—produce, for inspection by that person, written evidence of the fact that he is a member of a police force; or
- (b) in any other case—produce his identity card for inspection by that person,

and, if he fails to do so, that person is not obliged to comply with the requirement.

(6) A person who, without reasonable excuse, fails to comply with a requirement made of him by a warden or ranger under sub-section (1), (2) or (3) is guilty of an offence punishable, upon conviction, by a fine not exceeding \$1,000.

Assaulting,
&c., warden
or ranger.

43. A person who assaults or threatens a warden or ranger acting in the performance of his duties under this Act is guilty of an offence and is punishable—

- (a) upon summary conviction—by a fine not exceeding \$1,000, or imprisonment for a period not exceeding 6 months, or both; or
- (b) upon conviction on indictment—by a fine not exceeding \$2,000, or imprisonment for a period not exceeding 2 years, or both.

Personation.

44. A person who, by words or conduct, falsely represents that he is a warden or a ranger is guilty of an offence and is punishable—

- (a) upon summary conviction—by a fine not exceeding \$1,000, or imprisonment for a period not exceeding 6 months, or both; or
- (b) upon conviction on indictment—by a fine not exceeding \$2,000, or imprisonment for a period not exceeding 2 years, or both.

PART V—FINANCE

Establishment of Fund.

45. (1) There is established by this Act a fund by the name of the Australian National Parks and Wildlife Fund.

- (2) The Fund is vested in the Director.

Payments to Fund and to Consolidated Revenue Fund.

46. (1) There shall be paid into the Fund—

- (a) such moneys as are appropriated by the Parliament for the purposes of this Act;
- (b) the proceeds of the sale of any property acquired out of moneys standing to the credit of the Fund;
- (c) the proceeds of a sale made in pursuance of section 41;
- (d) any amount paid as a fine or other penalty imposed under this Act;
- (e) any moneys paid by a person to the Director where payment of those moneys into the Fund would be consistent with the purposes for which the moneys are paid and the Treasurer considers it appropriate that the moneys should be paid into the Fund;
- (f) any moneys received by the Director in respect of services and facilities provided by the Director; and
- (g) any other moneys, not being moneys referred to in sub-section (2), received by the Director in the performance of his functions.

(2) All moneys payable to the Director in respect of leases, licences, permits and other authorities granted by the Director shall be collected and received by the Director on account of and shall be paid into the Consolidated Revenue Fund.

47. (1) For the purposes of this Act, the Director may open and maintain an account or accounts with an approved bank or approved banks and shall maintain at all times at least one such account. Bank accounts.

(2) The Director shall pay all moneys received by him in the performance of his functions, other than moneys referred to in sub-section 46 (2), into an account referred to in sub-section (1).

(3) Payment of moneys into an account maintained under this section shall be deemed to be payment of those moneys into the Fund.

(4) In this section, "approved bank" means a bank for the time being approved by the Treasurer.

48. The moneys of the Fund shall be applied only—

- (a) in payment or discharge of the costs, expenses and other obligations incurred by the Director in the performance of his functions; and
- (b) in payment of any remuneration and allowances, and of any compensation, payable under this Act.

Application
of moneys.

49. The Director shall not—

- (a) borrow moneys from any person in the performance of his functions; or
- (b) invest any moneys of the Fund otherwise than directly in the performance of his functions.

No
borrowing or
investments.

50. (1) The Director shall prepare estimates, in such form as the Minister directs, of his receipts and expenditure for each financial year and, if so directed by the Minister, for any other period and shall submit those estimates to the Minister not later than such date as the Minister directs. Estimates.

(2) Moneys shall not be expended by the Director in the performance of his functions except in accordance with estimates of expenditure approved by the Minister.

51. The Director shall cause to be kept proper accounts and records of the transactions and affairs of the Director and of the Fund and shall do all things necessary to ensure that all payments out of the Fund are correctly made and properly authorized and that adequate control is maintained over the assets of, or in the custody of, the Director and over the incurring of liabilities by the Director. Proper
accounts to
be kept.

52. (1) The Director shall, as soon as practicable after the end of each financial year, prepare and furnish to the Minister, for presentation to the Parliament, a report of his operations during that year together with financial statements in respect of that year in such form as the Treasurer approves. Annual
reports.

(2) Before furnishing financial statements to the Minister, the Director shall submit them to the Auditor-General, who shall report to the Minister—

- (a) whether the statements are based on proper accounts and records;
- (b) whether the statements are in agreement with the accounts and records;
- (c) whether the receipt and expenditure of moneys, and the acquisition and disposal of assets, by the Director during the year have been in accordance with this Act; and
- (d) as to such other matters arising out of the statements as the Auditor-General considers should be reported to the Minister.

(3) The Minister shall cause the report and financial statements of the Director, together with the report of the Auditor-General, to be laid before each House of the Parliament within 15 sitting days of that House after their receipt by the Minister.

(4) The first report and financial statements of the Director under this section shall be furnished as soon as practicable after 30 June 1975, and shall relate to the operations of the Director during the period that commenced at the commencement of this Act and ended on that date.

Audit.

53. (1) The Auditor-General shall inspect and audit the accounts and financial records kept under section 51 and shall forthwith draw the Minister's attention to any irregularity disclosed by the inspection and audit that in the opinion of the Auditor-General is of sufficient importance to justify his so doing.

(2) The Auditor-General may, at his discretion, dispense with all or any part of the detailed inspection and audit of any accounts or records referred to in sub-section (1).

(3) The Auditor-General shall, at least once in each financial year, report to the Minister the results of the inspection and audit carried out under sub-section (1).

(4) The Auditor-General or a person authorized by him is entitled at all reasonable times to full and free access to all accounts, records, documents and papers relating directly or indirectly to the payment of moneys into or out of the Fund or to the acquisition, receipt, custody or disposal of assets by the Director.

(5) The Auditor-General or a person authorized by him may make copies of, or take extracts from, any accounts, records, documents or papers referred to in sub-section (4).

(6) The Auditor-General or a person authorized by him may require a person to furnish him with such information in the possession of the person or to which the person has access as the Auditor-General or authorized person considers necessary for the purposes of the functions

of the Auditor-General under this Act, and the person shall comply with the requirement.

(7) A person who contravenes sub-section (6) is guilty of an offence punishable, upon conviction, by a fine not exceeding \$200.

54. The income of the Fund and the property and transactions of the Director are not subject to taxation under a law of Australia or of a State or Territory. Exemption from taxation.

PART VI—TRANSFER OF CERTAIN OFFICERS AND EMPLOYEES

55. In this Part, unless the contrary intention appears— Interpretation.

“employed”, in relation to the Public Service, means employed under Division 10 of Part III of the Public Service Act, and “employment” and “employee” shall be construed accordingly;

“officer of the Reserves Board” means a person employed under section 19 of the *National Parks and Gardens Ordinance 1959*, as amended, of the Northern Territory;

“Public Service” means the Service constituted under the Public Service Act;

“Public Service Act” means the *Public Service Act 1922-1974*;

“Public Service Board” means the Board constituted under the Public Service Act;

“Reserves Board” means the Board continued in existence under the *National Parks and Gardens Ordinance 1959*, as amended, of the Northern Territory.

56. The provisions of this Part relating to the appointment of persons to, and the employment of persons in, the Public Service are incorporated and shall be read as one with the Public Service Act. Incorporation with Public Service Act.

57. The Public Service Board may enter into an arrangement with the Reserves Board with respect to the transfer of officers of the Reserves Board to the Public Service. Arrangement for transfer.

58. (1) For the purposes of giving effect to an arrangement entered into under section 57, the Public Service Board may, by notice in writing addressed to an officer of the Reserves Board— Right to elect to transfer.

(a) inform him that he may elect to be appointed to the Public Service; or

(b) inform him that he may elect to be employed in the Public Service in the Australian National Parks and Wildlife Service.

(2) An election in pursuance of a notice given under sub-section (1) shall be in writing addressed to the Public Service Board and shall be delivered to the Secretary of that Board within the period of 60 days

after the date of the notice or within such further period as that Board, within that period of 60 days, allows.

(3) A notice under sub-section (1) shall include particulars of the proposed appointment or employment.

Appoint-
ment to
Public
Service.

59. Where a person elects, in pursuance of a notice given under section 58, to be appointed to the Public Service, the Public Service Board may (notwithstanding anything contained in the Public Service Act, except in paragraphs 34 (a) and (c) of that Act) appoint him accordingly.

Temporary
employ-
ment in
Public
Service.

60. (1) Where a person elects, in pursuance of a notice given under section 58, to be employed in the Public Service in the Australian National Parks and Wildlife Service, the Public Service Board may authorize his employment accordingly.

(2) Sub-sections 82 (1) and (2) of the Public Service Act do not apply in relation to any employment authorized by the Public Service Board under sub-section (1).

Rate of
remuner-
ation.

61. (1) Subject to this section and to sections 20, 55, 56, 62 and 67 of the Public Service Act and to any law providing for a reduction in the remuneration payable to officers of the Public Service generally, the rate of remuneration of a person appointed or employed under this Part shall, while he continues in the Public Service, be not less favourable than that to which, in the opinion of the Public Service Board, he would have been entitled in respect of the normal position which he occupied as an officer of the Reserves Board immediately before his appointment or employment under this Part.

(2) Where, by virtue of sub-section (1), the remuneration to which a person is entitled would or might be increased by reason of an increment of salary in respect of the normal position which he occupied as an officer of the Reserves Board, his entitlement to the increase is subject to the provisions that, under sub-sections 31 (4), (5) and (6) of the Public Service Act, apply to increments of salary referred to in sub-section 31 (1) of that Act.

(3) In this section, "remuneration" means salary or pay and includes such allowances as, in the opinion of the Public Service Board, should be regarded as having formed part of the salary or pay of the person in his normal position as an officer of the Reserves Board.

Prior service
reckoned as
service in
Public
Service.

62. Where a person is appointed or employed under this Part and his service in the Public Service is continuous with permanent service or temporary service, as the case may be, of that person with the Reserves Board (including any service deemed under the law of the Northern Territory to have been continuous service) that service with the Reserves Board shall be reckoned, for the purposes of the Public Service Act and

the *Commonwealth Employees' Furlough Act* 1943-1973, as service in the Public Service.

63. A person appointed or employed under this Part preserves his eligibility for the grant of leave of absence for recreation or sickness that had accrued immediately prior to his being so appointed or employed. Accrued recreation or sick leave.

64. (1) For the purpose of ensuring that the conditions of employment of a person appointed or employed under this Part are, as far as possible, as favourable as those which, in the opinion of the Public Service Board, he enjoyed as an officer of the Reserves Board, the Public Service Board may, notwithstanding anything in the Public Service Act or any other law— Special conditions of employment.

(a) determine any conditions of employment that are to apply to him; or

(b) determine that an allowance is payable to him as compensation, or both.

(2) In this section, “conditions of employment” includes conditions relating to salary, pay or allowances, but does not include conditions relating to superannuation.

PART VII—MISCELLANEOUS

65. In any proceedings for an offence against this Act, an averment of the prosecutor, contained in the information or complaint, that, at a specified time— Averment in relation to parks and reserves.

(a) the defendant was in a specified park or reserve; or

(b) an animal, plant, vehicle, aircraft, vessel or article referred to in the information or complaint was in a specified park or reserve,

is *prima facie* evidence of the matter averred.

66. (1) A provision of the *Judiciary Act* 1903-1973 by which a court of a State is invested with jurisdiction with respect to offences against the laws of Australia has effect, in relation to offences against this Act not committed within any State, as if that jurisdiction were so invested without limitation as to locality. Jurisdiction of courts.

(2) Subject to section 80 of the Constitution, where a person has committed an offence against this Act outside a Territory and is found in, or brought into, the Territory, a court of the Territory has the same jurisdiction in respect of the offence as it would have if the offence had been committed in the Territory.

(3) The trial on indictment of an offence against this Act not committed within a State may be held by a court of competent jurisdiction at any place where the court may sit.

(4) Without limiting the jurisdiction of any other court, if a Court by the name of the Superior Court of Australia is established by an Act, jurisdiction is conferred upon that Court in respect of the trial on indictment of any offence against this Act.

Prosecution
of offences.

67. (1) An offence against this Act may be prosecuted summarily or upon indictment or, where the law of the State or Territory in which the proceedings are brought makes provision for an offender who pleads guilty to a charge to be dealt with by the court otherwise than on indictment, the court may deal with an offender in accordance with that law.

(2) Nothing in sub-section (1) renders an offender liable to be punished more than once for an offence.

(3) Where proceedings for an offence against this Act are brought in a court of summary jurisdiction, the court may commit the defendant for trial or to be otherwise dealt with in accordance with law or with the consent of the defendant and of the prosecutor may, if the court is satisfied that it is proper to do so, determine the proceedings summarily.

Changes in
office of
Director.

68. An authority given, or a delegation or appointment made, by a person for the time being holding or acting in the office of Director continues in force notwithstanding that the person ceases to hold or act in that office, but may be revoked by a person later holding or acting in that office.

International
agreements.

69. (1) The Governor-General may make regulations for and in relation to giving effect to an agreement specified in the Schedule.

(2) Regulations made under sub-section (1) in relation to an agreement that has not entered into force for Australia shall not come into operation on a date earlier than the date on which the agreement enters into force for Australia.

(3) Sub-sections 71 (5), (7) and (8) apply in relation to regulations made under this section in like manner as they apply in relation to regulations made under section 71.

Traditional
use of land
and water by
Aboriginals.

70. (1) Subject to sub-section (2) and to the operation of this Act in relation to parks and reserves, nothing in this Act prevents Aboriginals from continuing, in accordance with law, the traditional use of any area of land or water for hunting or food-gathering (otherwise than for purposes of sale) and for ceremonial and religious purposes.

(2) The operation of sub-section (1) is subject to regulations made for the purpose of conserving wildlife in any area and expressly affecting the traditional use of the area by Aboriginals.

71. (1) The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to this Act. Regulations.

(2) Without limiting the generality of sub-section (1), regulations may be made—

- (a) providing for functions and powers to be conferred, and duties to be imposed, upon wardens and rangers;
- (b) providing for the protection and conservation of wildlife;
- (c) regulating trade and commerce in connexion with wildlife in a Territory;
- (d) regulating or prohibiting the pollution of water in a manner harmful to wildlife in parks, reserves or wilderness areas;
- (e) providing for the protection and preservation of parks and reserves and property and things in parks and reserves;
- (f) regulating or prohibiting access to the whole or part of a park or reserve by persons or classes of persons;
- (g) providing for the removal of trespassers from parks and reserves;
- (h) regulating or prohibiting camping in parks and reserves;
- (i) providing for the safety of persons in parks and reserves;
- (j) regulating or prohibiting the use of fire in parks and reserves;
- (k) regulating the conduct of persons in parks and reserves;
- (l) regulating or prohibiting the carrying on of any trade or commerce in a park or reserve;
- (m) providing for fees and charges to be imposed by the Director upon persons entering or using a park or reserve or part of a park or reserve or using services or facilities provided by the Director in or in connexion with a park or reserve;
- (n) regulating or prohibiting the use of vehicles in parks and reserves and providing for signs and road markings for those purposes;
- (o) providing for the imposition and collection of charges for—
 - (i) the parking or stopping of vehicles;
 - (ii) the mooring of vessels;
 - (iii) the landing of aircraft; and
 - (iv) the use of vehicles and vessels,in parks and reserves;
- (p) providing for the removal of vehicles, aircraft or vessels from places in parks and reserves where they have been left in contravention of the regulations or have been abandoned and for the impounding of such vehicles, aircraft or vessels;

- (q) making provision to the effect that, where a contravention of a provision of the regulations relating to the parking or stopping of vehicles in a park or reserve occurs in respect of a motor vehicle, the person who is to be regarded as the owner of the motor vehicle for the purposes of the regulations (who may, in accordance with the regulations, be or include a person in whose name the motor vehicle is registered under the law of a State or Territory) is to be, except as provided otherwise, deemed to have committed an offence against the provision so contravened, whether or not he in fact contravened that provision;
 - (r) enabling a person who is alleged to have contravened a provision of the regulations relating to—
 - (i) littering;
 - (ii) the use of vehicles or vessels;
 - (iii) the parking or stopping of vehicles;
 - (iv) the mooring or landing of vessels; or
 - (v) the landing, use or flying of aircraft,to pay to the Director, as an alternative to prosecution, a specified penalty, not exceeding the maximum penalty by which a contravention of that provision is otherwise punishable;
 - (s) regulating or prohibiting the use of vessels in, and the passage of vessels through, parks and reserves and the landing and use of aircraft in, and the flying of aircraft over, parks and reserves;
 - (t) providing for giving effect to plans of management in relation to parks and reserves;
 - (u) regulating or prohibiting the taking of animals or plants into, or out of, parks and reserves;
 - (v) providing for the impounding, removal, destruction or disposal of animals found straying in parks and reserves;
 - (w) regulating or prohibiting the taking into parks and reserves, and the use in parks and reserves, of weapons, traps, nets, snares, fishing apparatus and other devices;
 - (x) regulating or prohibiting the laying of baits and the use of explosives and poisons in parks and reserves;
 - (y) providing for the collection of specimens and the pursuit of research in parks and reserves for scientific purposes;
 - (z) providing for the issue of licences, permits and authorities, the conditions subject to which they are issued and the charging of fees by the Director in respect of such licences, permits and authorities; and
 - (za) providing for any matter incidental to or connected with any of the foregoing.
- (3) A provision of the regulations regulating or prohibiting the flying of aircraft over a park or reserve does not have any force or effect

to the extent to which it is inconsistent with a law of Australia, but such a provision shall not be taken for the purposes of this sub-section to be inconsistent with such a law if it can be complied with without contravention of that law.

(4) Regulations with respect to a matter shall be regulations applicable to that matter only so far as that matter may be dealt with under the powers of the Parliament, including its powers with respect to—

- (a) the government of a Territory;
- (b) places acquired by Australia for public purposes;
- (c) the Australian coastal sea;
- (d) matters arising out of the rights (including sovereign rights) of Australia in relation to the continental shelf of Australia;
- (e) trade and commerce with other countries including the import or export of animals and plants;
- (f) fisheries in Australian waters beyond territorial limits; and
- (g) statistics relating to animals and plants.

(5) The power to make regulations conferred by this Act may be exercised—

- (a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of case; and
- (b) so as to make, as respects the cases in relation to which it is exercised, the same provision for all those cases or different provision for different cases or classes of case.

(6) The power to make regulations conferred by this Act shall not be taken, by implication, to exclude the power to make provision for or in relation to a matter by reason only of the fact that—

- (a) a provision is made by this Act in relation to that matter or another matter; or
- (b) power is expressly conferred by this Act to make provision by regulation for or in relation to another matter.

(7) The regulations may provide, in respect of an offence against the regulations, for the imposition of—

- (a) a fine not exceeding \$5,000; or
- (b) a fine not exceeding \$1,000 for each day during which the offence continues.

(8) The limitation imposed by sub-section (7) on the penalties that may be prescribed by the regulations does not prevent the regulations from requiring a person to make a statutory declaration.

SCHEDULE

Section 69

AGREEMENTS BETWEEN AUSTRALIA AND OTHER COUNTRIES

1. Convention on Wetlands of International Importance especially as Waterfowl Habitat adopted on 2 February 1971 by the International Conference on the Conservation of Wetlands and Waterfowl held at Ramsar, Iran.
 2. Convention for the Conservation of Antarctic Seals adopted on 11 February 1972 by the Conference on the Conservation of Antarctic Seals held at London.
 3. Convention concerning the protection of the world cultural and natural heritage adopted on 16 November 1972 by the General Conference of the United Nations Educational, Scientific and Cultural Organisation at its seventeenth session held at Paris.
 4. Convention on International Trade in Endangered Species of Wild Fauna and Flora signed at Washington on 3 March 1973.
 5. Agreement between the Government of Australia and the Government of Japan for the Protection of Migratory Birds and Birds in Danger of Extinction and their Environment signed at Tokyo on 6 February 1974.
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NOTE

1. Act No. 12, 1975; assented to 13 March 1975.