



ANNO VICESIMO QUARTO

ELIZABETHAE SECUNDAE REGINAE

No. 20 of 1975

An Act to provide for the appointment of a Director of National Parks and Wildlife and his powers, authorities, functions and duties and for matters incidental thereto

[ASSENTED TO 15TH MAY, 1975]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. Short title. This Act may be cited as the *National Parks and Wildlife Act 1975*.

2. Commencement. This Act shall commence on a date appointed by Proclamation.

3. Interpretation. In this Act, save where a contrary intention appears—

- “ Director ” means the Director of National Parks and Wildlife appointed under this Act;
- “ field officer ” means a field officer appointed under this Act;
- “ honorary protector ” means an honorary protector appointed under this Act;
- “ Minister ” means the Minister for Lands, Forestry, National Parks and Wildlife Service or other Minister of the Crown who at the material time is charged with the administration of this Act: the term includes a Minister of the Crown who is temporarily performing the duties of the Minister;
- “ wildlife ” means flora and fauna within the meaning of the *Fauna Conservation Act 1974*, native plants within the meaning of *The Native Plants Protection Act of 1930* and animal life within the meaning of the *Forestry Act 1959-1975*.

4. Construction of references in certain Acts. On and from the commencement of this Act—

- (a) a reference in the *Fauna Conservation Act 1974* or the regulations thereunder—
 - (i) to the Minister, shall be read and construed as a reference to the Minister for Lands, Forestry, National Parks and Wildlife Service or other Minister of the Crown who at the material time is charged with the administration of this Act or temporarily performing the duties of that Minister;
 - (ii) to the Under Secretary or Conservator of Fauna, shall be read and construed as a reference to the Director appointed under this Act;
 - (iii) to a fauna officer, shall be read and construed as a reference to a field officer appointed under this Act;
 - (iv) to an honorary protector, shall be read and construed as a reference to an honorary protector appointed under this Act;
- (b) a reference in the *Forestry Act 1959-1975* or the regulations thereunder, so far as that reference is applicable to national parks or marine park areas or is material to any question or matter affecting or concerning a national park or marine park area—
 - (i) to the Conservator of Forests or the Deputy Conservator of Forests, shall be read and construed as a reference to the Director appointed under this Act;
 - (ii) to a forest officer, shall be read and construed as a reference to a field officer appointed under this Act;
 - (iii) to an honorary ranger, shall be read and construed as a reference to an honorary protector appointed under this Act;
- (c) a reference in Division IIA of Part XI of the *Land Act 1962-1975* and a reference in any other provision of that Act so far as that reference is applicable to environmental parks or is material to any question or matter affecting or concerning an environmental park—
 - (i) to the Commission, a Commissioner or officer of the Department, shall be read and construed as a reference to the Director appointed under this Act;

- (ii) to an honorary ranger, shall be read and construed as a reference to an honorary protector appointed under this Act;
- (d) a reference in *The Native Plants Protection Act of 1930*—
 - (i) to a ranger, forest officer or caretaker (so far as that reference is applicable to national parks or is material to any question or matter affecting or concerning a national park) shall be read and construed as a reference to a field officer appointed under this Act;
 - (ii) to an honorary ranger, shall be read and construed as a reference to an honorary protector appointed under this Act.

5. Administration of Act. This Act shall be administered by the Minister and, subject to the Minister, by the Director and other officers.

6. Appointment of Director, officers and honorary protectors. (1) The Governor in Council, by notification published in the Gazette, may appoint a Director of National Parks and Wildlife and so many officers as he considers necessary for the effectual administration of this Act.

(2) The Director and officers appointed pursuant to subsection (1) shall hold office subject to the *Public Service Act 1922-1973*.

(3) For the purposes of this Act, the following persons shall, by virtue of their offices and without further or other appointment be field officers—

- (a) all members of the Police Force of the State;
- (b) officers of the Department of Primary Industries holding any of the following offices—
chief veterinary officer, divisional veterinary officer, regional extension officer, extension officer, district fauna ranger, fauna ranger, chief adviser, district adviser, adviser, senior inspector, district inspector, inspector, special stock officer;
- (c) officers of the Department of Lands holding any of the following offices—
land commissioner, assistant land commissioner, land inspector;
- (d) forest officers of the Department of Forestry;
- (e) officers of the patrol presently called the Queensland Boating and Fisheries Patrol of the Department of Harbours and Marine by whatever name called.

The Governor in Council may, by Order in Council, amend the list of persons specified in this subsection by adding to, deleting from, altering or varying that list, and the list as so amended shall be for the time being the list of persons for the purposes of this subsection.

(4) (a) The Governor in Council, upon the recommendation of the Minister, may by notification published in the Gazette, appoint, for the purposes of this Act, such persons as he considers necessary to be honorary protectors.

(b) The procedure with respect to an application by a person for appointment as an honorary protector shall be as prescribed.

(c) An appointment pursuant to this subsection shall be subject to such terms, conditions or restrictions as the Governor in Council thinks fit.

(d) An honorary protector—

- (i) shall hold office during the pleasure of the Governor in Council;
- (ii) may resign his office at any time by furnishing to the Director notice in writing signed by him accompanied by the certificate of authority issued to him under this Act.

7. Employees. The Director may employ such and so many employees as are necessary for the effectual administration of this Act.

8. Power to delegate. (1) The Minister or Director may, either generally or otherwise as provided by the instrument of delegation, by writing signed by him, delegate to any person all or any of his powers, authorities, functions and duties under this Act save this power of delegation.

(2) A power, authority, function or duty so delegated, if exercised or performed by the delegate, shall be exercised or performed in accordance with the instrument of delegation.

(3) A delegation may be made subject to such terms or limitations as the Minister or Director thinks fit including a requirement that the delegate shall report to him upon the exercise or performance of the delegated power, authority, function or duty.

(4) The Minister or Director may make such and so many delegations of the same power, authority, function or duty and to such number of persons as he considers necessary or desirable.

(5) A delegation is revocable at the will of the Minister or Director and does not prevent the exercise of a power or authority or the performance of a function or duty by him.

9. Disposal of moneys in Environmental Park Fund. (1) Upon the commencement of this Act, the moneys standing at credit in the Environmental Park Fund created pursuant to section 351B of the *Land Act* 1962–1975 shall be paid into the Consolidated Revenue Fund and the Environmental Park Fund shall thereupon be discontinued and closed.

(2) Any financial or other adjustment that may be necessary at the Treasury in regard to either fund referred to in this section for the purpose of giving effect to this section may be made and is hereby authorized.

10. Protection of Crown, Minister and officers. Liability at law shall not attach to the Crown, the Minister, Director or person acting with the authority of the Minister or Director, or any officer or honorary protector on account of anything done for the purposes of this Act or done in good faith and purporting to be for the purposes of this Act.

11. Regulations. The Governor in Council may make regulations not inconsistent with this Act for or in respect of all matters required or permitted by this Act to be prescribed and all matters that are necessary or convenient for the proper administration of this Act or to achieve the objects and purposes of this Act.