

Queensland



ANNO TRICESIMO PRIMO

ELIZABETHAE SECUNDAE REGINAE

No. 73 of 1982

**An Act to amend the National Parks and Wildlife Act
1975–1976 and the Forestry Act 1959–1981 each
in certain particulars and for other purposes**

[ASSENTED TO 14TH DECEMBER, 1982]

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:—

PART I—PRELIMINARY

1. Short title. This Act may be cited as the *National Parks and Wildlife Act and Another Act Amendment Act 1982*.

2. Commencement. (1) Section 1 and this section shall commence on the day on which this Act is assented to for and on behalf of Her Majesty.

(2) Except as provided by subsection (1), this Act shall commence on a day appointed by Proclamation.

3. Arrangement. This Act is divided into Parts as follows:—

PART I—PRELIMINARY (ss. 1-3);

PART II—AMENDMENTS TO NATIONAL PARKS AND WILDLIFE ACT (ss. 4-34);

PART III—AMENDMENTS TO FORESTRY ACT (ss. 35-64).

PART II—AMENDMENTS TO NATIONAL PARKS AND WILDLIFE ACT

4. Citation. (1) In this Part the *National Parks and Wildlife Act 1975-1976* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *National Parks and Wildlife Act 1975-1982*.

5. Amendment of long title. The long title of the Principal Act is amended by inserting after the word “duties” the words “, for the management of National Parks,”.

6. Insertion of heading. The Principal Act is amended by inserting the expression “PART I—PRELIMINARY” above section 1.

7. New sections 2A and 2B. The Principal Act is amended by inserting after section 2 the following sections:—

“**2A. Arrangement of Act.** This Act is arranged as follows:—

PART I—PRELIMINARY (ss. 1-4);

PART II—ADMINISTRATION (ss. 5-17);

PART III—NATIONAL PARKS (ss. 18-48);

Division 1—Classification;

Division 2—Management;

Division 3—Control of Fires;

PART IV—MISCELLANEOUS (ss. 49-77);

SCHEDULE.

2B. Savings. (1) Any land or waters set apart and declared as a National Park under the *Forestry Act 1959-1981* and existing as a National Park immediately prior to the commencement of Part II of the *National Parks and Wildlife Act and Another Act Amendment Act 1982* shall be

deemed to have been set apart and declared under this Act as a National Park under the name (if any) assigned to it under the *Forestry Act* 1959–1981.

(2) Where under the *Forestry Act* 1959–1981 the whole or part of a National Park has been declared as—

- (a) a primitive area;
- (b) a primitive and recreation area;
- (c) a recreation area;
- (d) a scientific area; or
- (e) an historic area

and that declaration is in force immediately prior to the commencement of Part II of the *National Parks and Wildlife Act and Another Act Amendment Act* 1982 then that area shall be deemed to have been declared as such under this Act.

(3) Every order, direction, permit, lease or other authority or other act of authority given, issued, granted or done under the *Forestry Act* 1959–1981 and which relates to the whole or any part of a National Park and which is in force immediately prior to the commencement of Part II of the *National Parks and Wildlife Act and Another Act Amendment Act* 1982 shall continue in force as if it were given, issued, granted or done under this Act until it expires by effluxion of the time limited for its operation at the time it was given, issued, granted or done or is revoked, cancelled, suspended or surrendered under this Act.”

8. Repeal of and new s. 3. The Principal Act is amended by repealing section 3 and substituting the following section:—

“ 3. Interpretation. (1) In this Act save where the contrary intention appears—

“ animal life ” means all mammals, birds, reptiles, frogs, fish, molluscs, crustaceans, insects and all other species of animal life and the eggs and young thereof and includes both marine and fresh-water forms of animal life;

“ contiguous ”, when used in relation to lands or waters set apart and declared as National Parks, includes land or waters that are separated only by a road or roads or by a watercourse, body of water or other natural feature;

“ Crown holding ” means land held under the *Land Act* 1962–1981 as Agricultural Selection, Perpetual Country Lease, Brigalow Lease, Grazing Selection, Grazing Homestead Perpetual Lease, Settlement Farm Lease, Pastoral Lease, Stud Holding or Special Lease or by way of Occupation Licence granted in priority to a late lessee in respect of an expired Pastoral Lease, Grazing Selection or Settlement Farm Lease and land held as Prickly-pear Selection or Prickly-pear Development Selection under “ *The Land Acts, 1910 to 1962* ” and “ *The Prickly-pear Land Acts, 1923 to 1959* ” and land held as Stud Holding comprising land which was opened under the provisions of section 16A of “ *The Land Acts Amendment Act of 1927* ” or Forest Grazing Lease:

The term includes such other land, being land subject to any lease or licence lawfully granted by the Crown as may be prescribed by Order in Council;

“ Crown land ” means all land in Queensland except land which is, for the time being—

- (a) lawfully granted or contracted to be granted in fee-simple by the Crown;
- (b) reserved for or dedicated to public purposes;
- (c) subject to any lease or licence lawfully granted by the Crown; or
- (d) set apart and declared as a State Forest, National Park or Timber Reserve or deemed so to be:

Provided that land held under an occupation licence, other than an occupation licence referred to in the definition of “ Crown holding ” and an occupation licence granted over a Timber Reserve or any part thereof, shall be deemed to be Crown land;

- “ destroy ” includes cut down, fell, ringbark, push over, or poison;
- “ Director ” means the Director of National Parks and Wildlife;
- “ Environmental Park ” means land reserved and set apart as an Environmental Park under the *Land Act* 1962–1981;
- “ field officer ” means a field officer appointed by or under this Act and includes any person for the time being appointed under this Act to act as a field officer;
- “ forest products ” means all vegetable growth and material of vegetable origin whether living or dead and whether standing or fallen and includes—
 - (a) honey;
 - (b) all forms of indigenous animal life;
 - (c) any nest, bower, shelter or structure of any form of indigenous animal life;
 - (d) fossil remains;
 - (e) Aboriginal remains, artifacts or handicraft of Aboriginal origin or traces thereof;
 - (f) relics;
 - (g) quarry material;
 - (h) all other material comprising the land or sea bed in a National Park or Environmental Park and the waters above that sea bed,
but does not include grasses (whether indigenous or introduced) or crops grown on a Crown holding by the lessee or licensee;
- “ get ”, when used in relation to any forest products, includes win, cut, saw, fell, dig, gather, remove, convert or obtain;
- “ historic area ” means the whole or part of a National Park declared as such or deemed to be declared as such under this Act;

- “honorary protector” means an honorary protector appointed under this Act;
- “interfere with”, when used in relation to any forest products, includes destroy, get, damage, mark, move, use or in any way interfere with;
- “land” includes the sea bed;
- “Local Authority” means a Local Authority constituted under the *Local Government Act 1936–1981* and includes a joint Local Authority and the Brisbane City Council;
- “management” includes control, regulation, construction, maintenance and protection;
- “Minister” means the Minister of the Crown who at the material time is charged with the administration of this Act and includes a Minister of the Crown who is temporarily performing the duties of the Minister;
- “National Park” means land or waters set apart and declared or deemed to be set apart and declared under this Act as a National Park;
- “officer” means the Director of National Parks and Wildlife, any field officer and any other officer appointed under and for the purposes of this Act: The term includes any person who for the time being occupies the office or exercises the functions and performs the duties of any such officer;
- “permit” means a permit granted under this Act and in force at the material time and, with reference to any particular provision of this Act, a permit of the description appropriate according to that provision;
- “place” includes any house, office, room, tent, building, erection, structure, premises (whether upon land or water), ship, vessel, vehicle or aircraft, and any road, street, thoroughfare, alley, right-of-way (whether public or private), and any land, whether public or private or whether enclosed or otherwise and any part of any place;
- “primitive area” means the whole or part of a National Park declared as such or deemed to be declared as such under this Act;
- “primitive and recreation area” means the whole or part of a National Park declared as such or deemed to be declared as such under this Act;
- “quarry material” includes guano and any of the following materials, namely stone, gravel, sand, rock, clay, earth and soil;
- “recreation area” means the whole or part of a National Park declared as such or deemed to be declared as such under this Act;

“ sea bed ” means the land lying beneath the waters of the main sea or beneath the waters of any bay, gulf or estuary within or adjacent to the State and the land lying between the mean high-water mark and the mean low-water mark at spring tides of any of those waters;

“ scientific area ” means the whole or part of a National Park declared as such or deemed to be declared as such under this Act;

“ stock ” means cattle, horses, sheep, goats or swine or the young of any such animals;

“ timber ” includes the trunk, branches, stumps and roots of trees, whether standing or not and all wood, whether or not the same is cut up, sawn, hewn, split or otherwise fashioned;

“ trees ” includes not only timber trees but all other trees, and shrubs, bushes, seedlings, saplings, and re-shoots of every description and any parts thereof;

“ wildlife ” means flora and fauna within the meaning of the *Fauna Conservation Act 1974-1979*, native plants within the meaning of *The Native Plants Protection Act of 1930* and animal life.

(2) Any reference in this Act to a failure to do any act or thing includes a reference to a refusal or neglect to do that act or thing.”.

9. Amendment of s. 4. Construction of references in certain Acts. Section 4 of the Principal Act is amended by omitting paragraph (b).

10. Insertion of heading. The Principal Act is amended by inserting the expression “ PART II—ADMINISTRATION ” above section 5.

11. Amendment of s. 6. Appointment of Director, officers and honorary protectors. Section 6 of the Principal Act is amended by inserting after subsection (4) the following subsection—

“ (5) (a) The Minister may by writing under his hand from time to time appoint such and so many persons as to him seems necessary to act as field officers and every such appointment may be limited as the Minister thinks fit with respect to time, place, powers, functions and duties of a field officer or other circumstances.

(b) An appointment made pursuant to this subsection shall be at the pleasure of the Minister and the appointee may resign his appointment by writing addressed to the Minister.

(c) All limitations, if any, imposed in respect of any appointment pursuant to this subsection shall be specified in the writing by which that appointment is made.”.

12. Repeal of and new s. 7. Employees. The Principal Act is amended by repealing section 7 and substituting the following section:—

“ **7. Employees.** The Director may from time to time employ such and so many employees as may be necessary for the exercise by the Director of his functions and the performance of his duties under this Act and may at any time determine any such employment.”.

13. Amendment of s. 8. Power to delegate. Section 8 of the Principal Act is amended by in subsection (1) inserting after the words “ and duties under this ” the words “ or any other ”.

14. Repeal of and new s. 10. The Principal Act is amended by repealing section 10 and substituting the following section:—

“ **10. Functions etc. of Director.** (1) Subject to the Minister the general functions and duties of the Director shall be—

- (a) the carrying out of all matters of National Parks policy;
- (b) the classification, in conjunction with the Land Administration Commission, of lands of the State with a view to determining which are suitable to be reserved under this Act for National Park purposes;
- (c) the undertaking of works which are considered by him to be necessary or desirable to give effect to or to carry out the objects of this Act or to discharge his duties and obligations under this Act or for any purpose incidental thereto, including the construction, establishment, improvement, operation, carrying out and maintenance of those works;
- (d) the management of all National Parks and the forest products therein and the conduct of investigation and research into the establishment and management of National Parks;
- (e) the carrying out of surveys of all types necessary or expedient to give effect to or to carry out the objects of this Act;
- (f) the conduct of investigation and research into problems arising out of or related to growth and protection of trees and forests in National Parks, the construction and maintenance of roads in National Parks, the identification of forest products in national parks (including but without limiting the generality thereof, investigation and research relating to or concerning anatomical, mechanical and physical properties and preservation against attack by biological organisms), and the carrying out of any operation incidental or convenient for the exercise of the aforesaid functions;
- (g) the training of persons in relation to the management and administration of National Parks;
- (h) the determination of the areas of National Parks from time to time existing which may be leased consistent with the objects of this Act, the utilisation of the grazing thereon by such means as the Director may deem desirable and the carrying out and control of any works for the improvement of the grazing or productive capacity of any such National Parks;
- (i) the publication or dissemination of information or literature in relation to National Parks (including the preparation of displays);
- (j) the making of such investigations and reports as he may deem necessary or desirable to enable him to carry out or exercise any function, power or authority conferred or to perform any duty imposed upon him by this Act, or as may be required by the Minister;

- (k) the collection and recovery of all penalties, costs, expenses, charges, fees, rents and compensation and other moneys due or recoverable under this Act and the expenditure of such moneys as are from time to time available for the purposes of this Act;
- (l) generally the exercising of all powers, authorities and functions and the performing of all duties as prescribed and the doing of all such other acts and things as he may consider necessary or desirable to give effect to or to carry out the objects of this Act.

(2) For the purposes of this Part, any act or duty which any field officer or other officer, or any other person acting under the direction or superintendence of the Director or any field officer or other officer, is by or under this Act or under any other Act or otherwise, authorized or required to do or perform shall be deemed to be an act or duty which the Director is authorized or required to do or perform.”.

15. Repeal of and new s. 11. The Principal Act is amended by repealing section 11 and substituting the following section—

“ **11. Powers of the Director.** (1) Subject to the Minister, the Director may exercise all the powers, functions and authorities and shall perform all the duties specifically conferred or imposed upon him by this Act and shall have in addition such other powers, functions and authorities as are necessary or desirable to carry out the objects and purposes of this Act and in particular but without limiting the generality of the foregoing, may from time to time for the purposes of this Act do all or any of the following things:—

- (a) purchase or take on hire plant, machinery, equipment or other goods whatsoever;
- (b) dispose of or let on hire plant, machinery, equipment or other goods whatsoever held by the Director;
- (c) enter into, modify or alter any contract or agreement with any person;
- (d) on any National Park or on land adjacent to any National Park, erect, purchase and take on lease buildings or other accommodation (including houses and other accommodation for officers and employees of the Director and their dependants) and repair, equip, furnish and maintain the same and lease buildings, or other accommodation in any building, or any other structure or improvement to such persons (including officers and employees of the Director and their dependants) and for such rent as he thinks proper;
- (e) provide or subsidise or provide and subsidise—
 - (i) transport and provisions; and
 - (ii) on any National Park or on land adjacent to any National Park, accommodation and amenities,
 - for officers and employees of the Director or their families;

- (f) prepare and make displays or exhibits illustrative of National Parks and matters related thereto and acquire articles for the purposes thereof;
- (g) do anything incidental to any of his powers, functions or authorities.

(2) Unless otherwise expressly provided by this Act, all works and all personal property of every kind (including all moneys) constructed purchased, acquired, received or held in any manner by the Director for the purposes of this Act, shall be vested in the Director according to the nature of the estate or interest therein respectively.

(3) The Director may surrender to the Crown any property vested in or held by him pursuant to this Act.”

16. New ss. 12-14. The Principal Act is amended by inserting after section 11 as inserted by this Part the following sections:—

“**12. Director to represent Crown.** The Director—

- (a) shall carry out, exercise and perform his powers, functions, authorities and duties on behalf of the Crown; and
- (b) with respect to the carrying out, exercising and performing of those powers, functions, authorities and duties shall have the privileges, rights and remedies of the Crown.

13. Power of Director to enter into contracts. The Director may enter into agreements or contracts, either by himself or through the medium of such officers or agents as the Director authorizes, for the carrying out of the purposes of this Act.

14. Defects in appointment not to invalidate acts of Director. All acts and proceedings of the Director shall, notwithstanding any defect in the appointment of any person as Director be as valid as if every such person had been duly appointed and had acted as the Director.”

17. New ss. 15, 16 and 17. The Principal Act is amended by inserting after section 14 as inserted by this Part the following sections:—

“**15. General powers of field officers.** (1) Any field officer, in addition to such other powers and duties as from time to time devolve upon him under this Act may—

- (a) call to his aid any member of the Police force of Queensland where he has reasonable cause to apprehend any obstruction in the exercise of his powers or in the execution of his duties;
- (b) be accompanied and aided by any person he may think competent to assist him in making any inspection or examination;
- (c) make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act have been or are being complied with by any person or in respect of any National Park;
- (d) question with respect to matters under this Act, the owner or occupier of any place, every person whom he finds in any place and every person who has been within the preceding

6 months employed in or on any place to ascertain whether this Act has been or is being complied with, and require any such person to answer the questions put and to sign a declaration of the truth of his answers;

- (e) require the production of any permit or other authority granted or agreement or contract made under and for the purposes of this Act and of any book, record or writing which is in his opinion material to any inquiry under paragraph (c) and inspect, examine and take copies of or extracts from the same;
 - (f) at any time, search and examine all containers, vehicles, vessels or other receptacles for holding or transporting any forest products or reasonably suspected so to be and for that purpose the field officer may require the owner or person in charge thereof to open any such container, vehicle, vessel or other receptacle, as the case may be, and expose its contents to view;
 - (g) subject to subsection (3), between sunrise and sunset enter and inspect any place wherein he reasonably suspects are any forest products got or interfered with or that he reasonably suspects have been got or interfered with contrary in any respect to this Act and seize, take away and detain forest products found therein and the vehicle or vessel wherein the same are found and any equipment or gear that he reasonably suspects was used in getting or interfering with the forest products and secure the same pending proceedings.
 - (h) exercise such other powers, functions and authorities as may be prescribed.
- (2) Any field officer who—
- (i) finds any person committing or who reasonably suspects any person of having committed an offence against this Act; or
 - (ii) is making inquiries or investigations with a view to establishing whether or not an offence against this Act has been committed by any person; or
 - (iii) is of the opinion that the name and address of any person is required for the purpose of giving effect to any provision of this Act, or for the purpose of enabling him to carry out his powers and duties under this Act,

may require such person to state his name and address, or name or address, and, if he has reasonable ground to suppose that the name and address given are or that the name or address given is false, may require evidence of the correctness thereof.

(3) Before a field officer enters any part of a place, which part is being used as a dwelling at the time the entry is to be made, he shall, save where he has permission of the occupier of that part to his entry obtain from a justice a warrant to enter.

This subsection does not apply in respect of the curtilage of any premises.

(4) A justice who is satisfied upon the complaint of a field officer that there is reasonable cause to suspect—

(a) that there are in any place forest products; and

(b) that such forest products have been got or interfered with contrary in any respect to this Act,

may issue his warrant directed to the field officer to enter the place specified in the warrant for the purpose of his exercising therein and with respect thereto the powers conferred on field officers by this section.

(5) A warrant issued under subsection (4) of this section shall be, for a period of one month from its issue, sufficient authority—

(a) to the field officer to whom it is directed and to all persons acting in aid of him to enter the place specified in the warrant; and

(b) to the field officer to whom it is directed to exercise in respect of the place specified in the warrant all the powers conferred on a field officer by this section.

16. Branches and agencies. (1) For the purposes of this Act the Director may, from time to time, but subject to any applicable provisions of the *Public Service Act* 1922–1978 establish branches or agencies of the National Parks and Wildlife Service, and may close any branch or agency.

(2) The Director may appoint any person to act as his agent.

Without limiting the generality of the aforementioned provision, any officer of any Department of the Government of this State shall, at the request of the Director and with the approval of the Minister of the Crown charged with the administration of the Department of which he is an officer, act as such agent, and with, under, and subject to such powers, conditions and limitations as are contained in such request and approved of by that Minister.

17. Officers not to be concerned in lease, etc. No field officer or other officer in his personal capacity shall become in any way concerned or interested in any lease or permit, or other similar right or authority granted under this Act or in any contract or agreement made under or for any of the purposes of this Act or in anywise participate or claim to be entitled to participate in the profit thereof or in any benefit or emolument arising therefrom.”

18. New ss. 18–22. The Principal Act is amended by inserting after section 17 as inserted by this Part the following heading and sections:—

“PART II—NATIONAL PARKS

Division 1—Classification

18. Classification of lands. The Director shall from time to time cause to be made inspections and surveys of any lands or waters within or adjacent to the State for the purpose of ascertaining whether or not such lands or waters are suitable to be set apart under and for the purposes of this Act.

19. Recommendation for reservation. (1) A recommendation by the Director to the Governor in Council for the setting apart under and for the purposes of this Act of any Crown land or any waters shall not be made except under and in accordance with the provisions of this section.

(2) If at any time the Director considers that any land or waters should be set apart under and for the purposes of this Act he shall—

- (a) refer the matter to the Land Administration Commission for advice as to whether it concurs with the making by the Director of a recommendation that the land or waters be so set apart;
- (b) in the case of sea bed or waters, refer the matter to the Director-General, Department of Mines, the Permanent Head of the Department of the Government of the State to which the Fisheries Branch of the State is assigned at the material time and the Director of Harbours and Marine for advice as to whether each of them concurs with the making by the Director of a recommendation that the sea bed or waters be so set apart;
- (c) where the interests of any other Department of the Government of the State are affected by the proposal to so set apart any land or waters, ascertain the views of that Department on the proposal and give consideration to those views.

If the Land Administration Commission or, as the case may be, the Director-General, the Permanent Head, or the Director to whom the matter is referred pursuant to paragraph (b) of this subsection advises that it or he does not concur with the making by the Director of a recommendation that the land or waters be set apart under and for the purposes of this Act the Minister may refer the matter to the Chief Commissioner of Lands (or, as the case may be, the Director-General or Permanent Head or Director concerned) and the Director for joint investigation and report thereon in writing to the Minister.

Upon receipt of such report the Minister may determine the matter as he thinks fit without being bound by any recommendation or view expressed in the report.

(3) No recommendation for the setting apart of any land (other than sea bed) situated on a mineral field shall be made without the approval of the Minister of the Crown for the time being charged with the administration of the *Mining Act 1968-1982*.

(4) Every recommendation to which subsection (1) refers shall be accompanied by an indication of the views required by paragraph (a) or (b) of subsection (2) of this section to be ascertained and if any views have been ascertained pursuant to paragraph (c) of that subsection, what those views are.

(5) Every recommendation by the Director to which this section relates shall be forwarded to the Minister who may, in his absolute discretion, present the recommendation to the Governor in Council or remit the same to the Director for reconsideration.

20. Power to set apart and declare National Parks. Subject to section 19 the Governor in Council may from time to time on the recommendation of the Director by Order in Council set apart and declare as a National Park any Crown land which he considers to be of scenic, scientific or historic interest.

21. Amalgamation and naming of National Parks. The Governor in Council may from time to time—

- (a) by the Order in Council setting apart and declaring under this Act a National Park amalgamate that National Park and any existing contiguous National Park;
- (b) by Order in Council amalgamate any contiguous National Parks;
- (c) by Order in Council amalgamate any National Parks which, not being contiguous, could in the opinion of the Director be more appropriately administered as one unit;
- (d) if deemed desirable, upon consideration of a report by the Queensland Place Names Board in that regard, by Order in Council assign a name to any National Park and likewise vary any such name.

22. Restriction on alienation. (1) The setting apart and declaration under this Act of a National Park shall not be revoked in whole or in part except under the authority of subsection (2) or section 24.

No land or water comprised in a National Park shall be excluded therefrom, leased, or dealt with otherwise howsoever except under the authority of and in accordance with the provisions of this Act.

(2) The setting apart and declaration under this Act of a National Park may be revoked in whole or in part in the following manner:—

- (a) the Governor in Council shall cause to be laid on the table of the Legislative Assembly a proposal for such revocation;
- (b) after such proposal has been laid before the Legislative Assembly, the Governor in Council, on a resolution whereof not less than 14 days' notice shall have been given being passed by the Legislative Assembly that such proposal be carried out, shall, by Order in Council, revoke such setting apart and declaration in accordance with that resolution."

19. New ss. 23 and 24. The Principal Act is amended by inserting after section 22 as inserted by this Part the following sections:—

" 23. Unlawful use of expression "National Park". (1) A person shall not—

- (a) publish a statement or advertisement, oral or in writing; or
- (b) in Queensland, do any act or take any step to cause the publication outside Queensland of a statement or advertisement,

which statement or advertisement

- (c) is calculated to promote the use of any land or water in Queensland or a transaction concerning any land or water in Queensland; and
- (d) includes the expression "National Park", used in relation to that land or water or part thereof either alone or in combination with any other word or words,

unless the land or water or, as the case may be, part thereof in relation to which the expression is used is set apart and declared as a National Park under this Act.

(2) For the purposes of this section a statement or advertisement shall be taken to be published if—

- (a) it is printed in a newspaper, magazine or other publication;
- (b) it is publicly exhibited—
 - (i) in, on, over or under a vehicle, vessel, building or other place whatsoever; or
 - (ii) in the air so as to be seen by any person who may be in or on any public place;
- (c) it is contained in a document gratuitously sent or given to any person or thrown into or left upon premises in the occupation of any person;
- (d) it is publicly announced or displayed by means of transmission of sound or light; or
- (e) being an oral statement, it is made by one person to another.

(3) If a statement or advertisement purports to have been published by a particular person that person shall be taken to have published the statement or advertisement until the contrary is proved.

(4) It is a defence to a charge of an offence that consists partly of an element specified in provision (b) of subsection (1) to prove that the statement or advertisement was not published.

24. Land for tourist purposes. (1) Where, upon reference to the Director and upon consideration of a report in writing by the Director on such proposal, the Governor in Council is satisfied that having due regard to the objects and purposes of this Act and to the public interest, it is desirable to make any land comprised in a National Park other than land declared as a primitive area or a scientific area available for the provision of accommodation and recreational facilities, or either of such facilities for the purpose of encouraging and promoting the tourist industry or that any such land be opened or applied for use as a road for public use, the Governor in Council may by Proclamation exclude such land from such National Park.

(2) In any such exclusion due regard shall be had to access and any other matters which are necessary for the proper management of the balance of the National Park in question.

(3) Any land so excluded shall become and be Crown land and may be dealt with by the Governor in Council under the provisions of the *Land Act* 1962–1981 in such manner as appears to him most appropriate to ensure its use for the purposes for which it was so excluded.”.

20. New ss. 25–32. The Principal Act is amended by inserting after section 24 as inserted by this Part the following heading and sections:—

“ *Division 2—Management*

25. Principle of management of National Parks. The cardinal principle to be observed in the management of National Parks shall be the permanent preservation, to the greatest possible extent, of their natural condition and the Director shall exercise his powers under this Act in such manner as appears to him most appropriate to achieve this objective.

26. Specialized management within National Parks. (1) When in the opinion of the Director sufficient information is available with respect to a National Park concerning—

- (a) the flora, fauna and natural features of that Park; and
- (b) the potential value of that Park in relation to the uses to which it may be lawfully applied,

he may, subject to this Act, from time to time recommend to the Minister that the whole or a part of that Park be declared—

- (c) a primitive area,
- (d) a primitive and recreation area,
- (e) a recreation area,
- (f) a scientific area, or
- (g) an historic area.

(2) On the recommendation of the Director the Governor in Council may, by Order in Council, declare the whole of the National Park or the part or parts thereof defined in the recommendation to be an area as recommended.

27. Primitive area. (1) In recommending that the whole or part of a National Park be declared a primitive area the Director shall take into consideration the following matters:—

- (a) the desirability of the proposed boundaries following well defined physical features;
- (b) the desirability of the proposed area being of sufficient size to warrant its setting apart as a primitive area.

(2) The following provisions shall apply to a primitive area:—

- (a) the Director shall not construct any road, building or structure of any description or lookout (not being a building or structure);
- (b) if the Director is of opinion that any use or any intended use of the area will damage the ecological complex of the area he shall take such action under this Act as he considers necessary to limit the nature and extent of that use;

- (c) the Director shall not grant a permit under section 34 of this Act unless he is satisfied that—
 - (i) the applicant for the permit holds pre-eminent scientific qualifications;
 - (ii) the nature of the work proposed to be carried out by the applicant is of sufficient importance to justify the granting of a permit;
 - (iii) the work proposed to be carried out by the applicant could not be carried out elsewhere; and
 - (iv) the work proposed to be carried out by the applicant will not significantly disturb the area;
- (d) no part of land or waters declared as a primitive area shall be excluded therefrom or from the National Park of which it forms a part under or for the purposes of section 24 of this Act;
- (e) section 33 of this Act shall not apply to land or waters within a primitive area.

(3) Paragraph (c) of subsection (1) shall not derogate from the power conferred on the Director under section 34 to subject a permit to provisions, reservations and conditions.

28. Primitive and recreation area. (1) The following provisions shall apply to a primitive and recreation area:—

- (a) where such construction is consistent with the object of the declaration of the area the Director in pursuance of his powers under this Act may construct roads and firebreaks but the Director shall take such steps as he considers necessary to prevent persons (not being officers and employees of the Director in pursuance of their official duties) from using any such roads and firebreaks other than as pedestrians;
- (b) the Director in pursuance of his powers under this Act may construct walking tracks, huts, shelter sheds and other facilities for the use and enjoyment of the area by the public, but shall carry out such construction in such manner as will least disturb the natural condition of the area;
- (c) the Director shall not grant a permit under section 34 unless he is satisfied that—
 - (i) the applicant for the permit holds scientific qualifications consisting of a degree, diploma or certificate (in each case recognized by the Director and obtained after due examination) of a university or college of advanced education recognized in the State or Territory of the Commonwealth or other country wherein it is situated and by the Director as authorized to grant such a degree, diploma or certificate;
 - (ii) the nature of the work proposed to be carried out by the applicant justifies the granting of a permit;
 - (iii) the work proposed to be carried out by the applicant could not be carried out elsewhere; and

(iv) the work proposed to be carried out by the applicant will not significantly disturb the area.

save that a permit may be granted where the Director is not satisfied as to the existence of the condition referred to in subparagraph (iii) but is satisfied as to the existence of the other conditions referred to in this paragraph (c) and to the importance of the proposed work.

(2) Paragraph (c) of subsection (1) shall not derogate from the power conferred on the Director under section 34 to subject a permit to provisions, reservations and conditions.

29. Recreation Area. (1) The Director shall not recommend that any part of a National Park be a recreation area where—

- (a) it or it and any other recreation area within the National Park concerned would exceed 160 hectares: or
- (b) it or it and any other recreation area within the National Park concerned would exceed fifty per centum of the area of the National Park,

whichever is the less area.

(2) The Director—

- (a) shall manage a recreation area so as to maintain a natural setting for camping, picnicking, boating, under-water diving and other recreational activities of a like nature;
- (b) may provide in relation to any recreation area, public vehicular access and facilities for the public use and enjoyment of the area.

30. Scientific Area. The following provisions shall apply to a scientific area—

- (a) the Director shall maintain and manage the area so as to preserve it as a sample of the natural environment of the National Park concerned;
- (b) the Director, having regard to the interests of the scientific area as such, in pursuance of his powers under this Act, may provide or permit the provision of such facilities as he considers advantageous to the scientific interests of the area;
- (c) without derogating from the power to subject a permit to provisions, reservations and conditions the Director in granting a permit under section 34 shall subject the permit to conditions which in his opinion will prevent the interference by the permittee with work being carried out or proposed to be carried out by any other permittee within the same scientific area;
- (d) no part of land or waters declared as a scientific area shall be excluded therefrom or from the National Park of which it forms a part under or for the purposes of section 24 of this Act;

(e) section 33 shall not apply to land or waters within a scientific area.

31. Historic Area. The Director shall manage an historic area so as to preserve its historical significance to the State.

32. Power of the Director to carry out works. Consistent with this Act, the Director may within any National Park from time to time construct, carry out, improve, maintain, operate, protect, control, and otherwise manage any works, or do any act or make such provision as he considers necessary or desirable for the preservation, proper management, or public enjoyment of that National Park.”.

21. New ss. 33 and 34. The Principal Act is amended by inserting after section 32 as inserted by this Part the following sections:—

“**33. Power to grant special leases and permits.** (1) With the consent of the Director and subject to such conditions for the preservation and protection of the National Park as the Director thinks fit to recommend, special leases in respect of any land within any National Park other than land declared as a primitive area or a scientific area may be granted under sections 198 and 203 of the *Land Act* 1962–1981 and for the purpose of this subsection such land shall be deemed to be land reserved and set apart for public purposes, and the provisions of that Act so far as they are not inconsistent with so much of this Act as relates to National Parks shall apply and extend to all such special leases accordingly:

Provided that no such lease shall be granted with or subjected to any condition unless the Governor in Council is satisfied that the objects of this Division would not be thereby prejudiced or opposed.

(2) With respect to any land comprised in any National Park other than land declared as a primitive area or a scientific area the Director may from time to time grant, subject to such provisions, reservations and conditions as he thinks fit—

(a) permits to graze stock for a term fixed by the Director but not exceeding 7 years (in this Act referred to as “stock grazing permits”):

Provided that in any case where the term of a stock grazing permit has been fixed at less than 7 years the Director may, from time to time, extend the same for such term as he thinks fit but so that the term originally fixed and any extension or extensions thereof shall not, in the aggregate, exceed 7 years;

(b) permits for apiary sites for a term fixed by the Director (in this Act referred to as “apiary permits”):

Provided that no permit to which this subsection relates shall be granted or extended or subjected to any provision or condition unless the Director is satisfied that the objects of this Division would not be thereby prejudiced or opposed.

34. Interfering with forest products on National Parks. (1) Notwithstanding anything to the contrary contained in any other Act, a person shall not interfere with any forest products on any National Park except under the authority of and in compliance in every respect with the requirements of a permit granted pursuant to this section by the Director.

Any person guilty of an offence against this subsection shall be deemed to have committed a park offence.

(2) For the purposes of this section, the Director may, subject to this Act, from time to time grant for scientific purposes permits to such persons as he deems fit and subject to such provisions, reservations and conditions as he deems fit.

(3) This section shall not apply in respect of the doing of any act or the taking of any step by an officer or employee of the Director for the purpose of executing this Act or in the due execution of his powers and duties under this Act.”.

22. New ss. 35 and 36. The Principal Act is amended by inserting after section 34 as inserted by this Part the following sections:—

“**35. Permits, etc.** (1) Subject to this Act, the Director shall have power and authority to grant or make with any person, exclusively or in common with others, permits, leases or other authorities and agreements or contracts under and for the purposes of this Act and to extend any of the same from time to time and every permit, lease, other authority, agreement or contract shall be granted, made or extended subject to the payment by the permittee, lessee or the person to whom the authority is granted or with whom the agreement or contract is made, as the case may be, of such charges, rents, fees or other moneys and to such provisions, conditions and reservations as may be prescribed or, in so far as not prescribed, as the Director may determine:

Provided that no permit, lease, other authority, agreement or contract shall be so granted or made if it is inconsistent with any existing permit, lease, other authority, agreement or contract granted or made by the Director in respect of the same land.

(2) Any person to whom the powers of the Director conferred by this section have been delegated under section 8 shall refuse to grant or extend any permit, lease or other authority or to make or extend any agreement or contract if thereunto directed by the Director.

(3) If any person to whom the powers of the Director conferred by this section have been delegated under section 8 refuses to grant any permit, lease or other authority or to make any agreement or contract or to extend any of the same, the applicant therefor may within 14 days after receipt of advice of such refusal require him to refer the matter to the Director for direction.

(4) Unless otherwise prescribed, every proposed permit, lease, other authority, agreement or contract under this Act may be by auction, tender or otherwise howsoever according as the Director shall determine at his discretion.

36. Power to cancel, suspend, permit, etc. (1) Every permit, lease, or other authority, and every agreement or contract granted or made under this Act shall be deemed to be granted or made subject to the power of the Director to cancel or suspend, according to his discretion, that permit, or other authority, or to forfeit that lease, or to cancel that contract or agreement on the failure by the holder of the permit, lease or other authority, or, as the case may be, the person with whom the agreement or contract is made, or the assignee of any such person, to comply with any provision of this Act or of the *Rural Fires Act 1946-1977* or with any provision, condition, or restriction subject to which the same was granted or, as the case may be, made.

(2) The Director may forfeit any lease, or cancel or suspend any agreement, contract, permit or other authority granted or made under this Act for failure by the holder of that lease, permit or other authority or, as the case may be, the person with whom the agreement or contract is made or the assignee of any such person to comply with any provision, condition, or restriction subject to which the same was granted notwithstanding that such holder or, as the case may be, the person with whom the agreement or contract is made or the assignee of any such person has not been proceeded against for any offence constituted by such failure.

(3) The Director may, in the case of any agreement, contract, permit, lease, or other authority granted or made under this Act, suspend on such conditions and for such periods as may be prescribed, or in so far as are not prescribed as he may determine, the obligations of the holder or, as the case may be, the person with whom the agreement or contract is made or the assignee of any such person to observe any provisions or conditions subject to which the same is or is deemed to be granted or made, except the obligation for payment of any moneys thereunder.

(4) Suspension under this Act of any agreement, contract, permit or other authority—

(a) shall whilst such agreement, contract, permit or other authority is so suspended, have the same effect as the cancellation thereof; and

(b) if the period of such suspension is less than the period during which that agreement, contract, permit or other authority ordinarily would have remained in force—shall not, unless the Director otherwise directs, upon the termination of that suspension, extend the period during which that agreement, contract, permit or other authority would have remained in force if it had not been suspended.

(5) On forfeiture of a lease or cancellation of an agreement, contract, permit or other authority, the lease, agreement, contract, permit or other authority affected thereby and, unless otherwise determined by the Director, all rights, interests, and privileges thereunder shall absolutely cease and determine.

(6) Without limiting the mode of forfeiting a lease or cancelling or suspending an agreement, contract, permit or other authority, any

lease may be forfeited and any agreement, contract, permit or other authority may be cancelled or suspended by notice published in the Gazette.

(7) When under this Act a lease is forfeited or an agreement, contract, permit or other authority is cancelled or suspended, the person to or with whom that lease, agreement, contract, permit or other authority was granted or made shall not be entitled to claim or receive any compensation in respect of such forfeiture, suspension, or cancellation, or any expense he may have incurred in acting or with a view to taking action under that lease, agreement, contract, permit or authority.”.

23. New ss. 37–40. The Principal Act is amended by inserting after section 36 as inserted by this Part the following sections:—

“**37. Power to subsidise road works.** The Director may from time to time subsidise any Department of the Government, any Local Authority or any person to the extent he thinks fit in the construction, improvement, maintenance, operation or protection of roads or other means of access necessary for the management of any National Park.

38. Power of entry under permit. (1) A permit under this Act shall confer on the permittee, subject to this Act and to the conditions and reservations subject to which the permit is granted, rights to enter (with such agents, assistants, plant, vehicles, animals, and equipment as are necessary for the purpose for which the permit is granted) upon the land in relation to which that permit is granted and upon any other Crown land or land comprised in a Crown holding in, into, over, upon and out of which it is necessary to pass for the purpose of exercising or enjoying the aforesaid rights of entry upon the land in relation to which the permit is granted and to carry out on the land in relation to which the permit is granted, all operations necessary for the purpose for which the permit is granted.

Such rights to enter shall include such right of ingress, egress, and regress in, into, over, upon and out of as may be necessary in the circumstances:

Provided that the permittee shall be liable in damages for any injury done by him or any of his agents or assistants to any cultivated land, crops, or other improvements whatsoever the property of any other person on any land over or on which he so enters or passes.

(2) The selector, lessee, or holder of the land, other than the land in relation to which the permit is granted, may give directions regarding the route or track by or over which the permittee shall pass for the purpose of exercising the right of entry conferred by this section in relation to such land, and the permittee shall comply in all respects with any directions so given unless or until the direction is altered, varied or cancelled by a determination of the Minister under subsection (3) of this section.

If any dispute arises as to the necessity of entry upon such land for the purpose of giving effect to this section or as to the route or track by or over which the right of entry shall be exercised, the matter shall be

submitted to a designated officer within the meaning of the *Land Act* 1962–1981 for enquiry and the making of his recommendation thereon through the Director to the Minister.

Upon receipt of the designated officer's recommendation the Director shall submit to the Minister that recommendation together with his own recommendation on the matter.

(3) The Minister shall have power to determine the question whether or not entry upon the land in question is necessary for the purposes of giving effect to this section, and, if he decides that question in the affirmative, or if the matter of the necessity of entry is not in dispute, the question as to the route or track by or over which the right of entry shall be exercised.

The Minister, if he determines that entry is necessary upon the land in question, may require that the right of entry be exercised subject to such conditions and reservations as he deems proper and by or over such route or track as he may direct.

The Minister, if he determines the route or track by or over which the right of entry over the land in question shall be exercised, may require such right be exercised subject to such conditions and reservations as he deems proper.

The Minister's determination of any such question shall be final and the terms thereof shall be complied with in all respects by the parties to the dispute.

39. Transfer and surrender of permits. (1) No permit granted under this Act shall be assigned or transferred except with the consent in writing of the Director.

(2) The Director may accept a surrender, on such conditions as the Director may determine of any permit or other authority granted under this Act.

40. Failure to comply with provisions of permit. Any person who fails to comply in any respect with any provision, condition or restriction subject to which any permit or other authority is granted under this Act shall be guilty of an offence against this Act."

24. New ss. 41 and 42. The Principal Act is amended by inserting after section 40 as inserted by this Part the following heading and sections:—

" Division 3—Control of Fires

41. Control of fires on National Parks, etc. (1) A person, other than an officer or employee of the Director acting in the performance of his duties under this Act, shall not at any time light, maintain or use or cause, permit or suffer to be lit, maintained or used, a fire on any land within any National Park or Environmental Park for the purpose of, or which is likely to have the effect of burning off or clearing any vegetation on or from the land within the National Park or Environmental Park except in accordance with an authority given by a permit obtained from the Fire Warden under the *Rural Fires Act* 1946–1977 and then remaining in force.

Any person guilty of an offence against this subsection shall be deemed to have committed a park offence.

(2) Any person who is convicted of an offence against this section may on conviction, in addition to the penalty imposed, be ordered by the court to pay to the Director in respect of any damage or injury and the costs of controlling and extinguishing any fire occasioned or caused by the commission of such offence, such amount as is fixed by the court after taking the evidence on oath of a field officer as to the nature and extent of such damage or injury and costs of controlling or extinguishing the fire and, in default of payment thereof, such amount may be recovered in the same way as a pecuniary penalty.

(3) The provisions of this section shall be in addition to and not in diminution of or substitution for any other provision of this Act.

42. Duty of lessee of National Park, etc. (1) Every person holding any lease, permit or other authority or entitled to any right or privilege under an agreement or contract granted or made under this or any other Act over or in respect of the whole or any part of any National Park or Environmental Park (hereinafter in this section referred to as the "holder"), shall at his own cost and expense—

- (a) at all times make all reasonable provision for preventing, detecting, controlling and extinguishing bush, grass or other rural fires on the National Park or Environmental Park or, as the case may be, part thereof, over or in respect whereof the lease, permit, authority, agreement or contract, was so granted or made; and
- (b) on becoming aware of any fire burning on the National Park or Environmental Park or as the case may be, part thereof as aforesaid, or burning elsewhere, which is likely to spread to such National Park or Environmental Park or as the case may be, part thereof (such not being a fire authorized under the provisions of the *Rural Fires Act 1946-1977*), promptly do everything reasonably within his power to extinguish the fire whether or not there is immediate danger of it causing damage, and shall forthwith cause the nearest field officer or employee of the Director to be notified of the fire and of the measures taken by him to extinguish the same, and if, at the time of so notifying the field officer or employee of the Director, the fire is not extinguished, he shall continue so far as possible to control and endeavour to extinguish the fire until it is brought under control or extinguished or until he obtains the approval of the field officer or employee of the Director to desist.

For the purposes of paragraph (b) of this subsection, the term "holder" shall include any agent, manager, foreman or other person whomsoever acting in the general management or control of the business of the holder carried on, in or on the National Park or Environmental Park or part thereof as aforesaid (hereinafter in this section referred to as the "agent").

(2) Any person refusing, neglecting or failing to comply with the provisions of this section shall be guilty of an offence against this Act and shall be deemed to have committed a park offence.

(3) Any holder or agent who makes a false statement as to his whereabouts or makes a statement knowing the same to be false as to the whereabouts of any of the employees or agents of the holder at the time of the outbreak of any such fire shall be guilty of an offence against this Act.

(4) Nothing contained in this section shall be read as to relieve any person from any liability or obligation to which he may be subject under his lease, agreement, contract, permit, other authority, or under any other Act or law, and the provisions of this section shall be read as in addition to and not in derogation from the provisions of any other Act.”.

25. New ss. 43 and 44. The Principal Act is amended by inserting after section 42 as inserted by this Part the following sections:—

“**43. Certain person to be incapable of holding permits, etc.** (1) Where any person convicted of an offence against any provision of the *Rural Fires Act 1946–1977* or of section 41 or 42 of this Act, was, at the time when the offence was committed, the holder of any permit or lease granted or the person entitled for the time being to the benefit of any agreement or contract made under the *Land Act 1962–1981* or this Act over or in respect of the whole or part of any National Park or Environmental Park or the forest products thereon, which permit, lease, agreement or contract has, subsequent to such conviction, been forfeited or cancelled, the Minister may, by writing under his hand, direct that such person shall not be capable of holding any permit or lease or of entering into or being entitled to the benefits of any agreement or contract under the *Land Act 1962–1981* or this Act, over or with respect to the whole or part of any National Park or Environmental Park whatsoever or the forest products thereon, for such period, not exceeding 5 years, as shall be specified in the direction:

Provided that where the Minister is not the Minister of the Crown administering the *Land Act 1962–1981* he shall not give any such direction in relation to the said Act, but the Minister of the Crown administering the said Act may, upon the recommendation of the Minister, by writing under his hand, direct that the person aforesaid shall not be capable of holding any such permit or lease or of entering into or being entitled to the benefits of any such agreement or contract under the *Land Act 1962–1981*.

(2) A permit or lease shall not be granted nor an agreement or contract made, under the *Land Act 1962–1981* or this Act, over or with respect to the whole or part of any National Park or Environmental Park whatsoever or the forest products thereon, to or with any person with respect to whom such a direction has been made or given, during the period for which the direction remains in force.

Any such direction may, at any time and from time to time, be varied, altered or rescinded by the giver thereof or his successor in office.

44. Control of fires on lands adjoining National Park. (1) Where any officer or employee of the Director discovers any fire burning within 1·6 kilometres of any National Park or Environmental Park, and the officer or employee is of the opinion that such fire is likely to spread to and cause damage to the National Park or Environmental Park, he may (with such assistants, plant, vehicles, animals and equipment as are necessary for the purpose) enter upon the land on which such fire is burning and perform any acts necessary to control and extinguish the fire. No liability shall attach to the Director or any officer or employee of the Director in respect of any loss or damage to property occasioned by any person as aforesaid in the exercise in good faith of his powers, pursuant to this section, in connexion with any fire but any damage shall be deemed to be damage by a fire within the meaning of any policy of insurance against fire covering the damaged property and every such policy of insurance whether issued before or after the commencement of this Act shall notwithstanding anything therein contained be read and construed accordingly.

(2) Where it is established that the owner or occupier of the land on which the fire originated, or his agent or employee, was responsible for the lighting of such fire and a permit for the lighting thereof had not been obtained by the owner or occupier as required by the provisions of the *Rural Fires Act 1946-1977* or where the fire had been lit contrary to the authority conferred by such a permit, or, if the fire be one in respect of which a permit is not required under that Act, that the fire was lit in contravention of the provisions of that Act, then the Director may recover from the owner or occupier of the land on which the fire originated, in any court of competent jurisdiction, all reasonable expenses incurred by such officer or employee in controlling and extinguishing such fire (including, but without limiting the generality hereof, salaries and wages of officers and employees and compensation for the use of plant, vehicles and equipment).

(3) Where any officer or employee of the Director has, within the boundaries of any National Park or Environmental Park extinguished or caused to be extinguished a fire burning within that National Park or Environmental Park then, if it be established that such fire originated on land other than that National Park or Environmental Park and that the owner or occupier of the land on which such fire originated, or his agent or employee, was responsible for the lighting of such fire and that a permit for the lighting thereof had not been obtained by such owner or occupier as required by the provisions of the *Rural Fires Act 1946-1977* or that the fire had been lit contrary to the authority conferred by such a permit or, if the fire be one in respect of which a permit is not required under that Act, that the fire was lit in contravention of the provisions of that Act, the Director may recover from the owner or occupier of the land on which the fire originated, in any court of competent jurisdiction, all reasonable expenses incurred by such officer or employee in controlling and extinguishing such fire (including, but without limiting the generality hereof, salaries and wages of officers and employees and compensation for the use of plant, vehicles and equipment).

(4) For the purpose of the exercise and performance by a field officer or employee of the Director of the powers, functions and authorities conferred upon him by this section, such field officer or employee shall be deemed to be the first officer of a bush fire brigade under and within the meaning of the *Rural Fires Act 1946-1977* and shall have and may exercise all the powers, functions and authorities conferred upon the said first officer by the said Act.”.

26. New ss. 45-48. The Principal Act is amended by inserting after section 44 as inserted by this Part the following sections:—

“ 45. Lighted match, etc., not to be dropped near inflammable material. A person shall not within any National Park or Environmental Park throw, drop, place or leave any lighted match, pipe ashes, lighted cigar, lighted tobacco, lighted cigarette or any burning or smouldering substance within 10 metres of any inflammable material.

46. Lighting of small fires on National Parks. (1) A person shall not at any time light, maintain or use or cause to be lit, maintained or used, any fire in the open air, other than in a properly constructed fire place provided on any National Park or Environmental Park for the purpose of a camp, billy or other like fire, unless a space of ground immediately around the site of the fire of a width of 2 metres at least in all parts, or, where in any prescribed locality or localities or on any prescribed land a greater width is prescribed, then of that width at least in all parts, has previous to the lighting of the fire been cleared and is then clear of all inflammable material.

(2) A person, having lit, maintained or used any fire referred to in subsection (1), shall not leave the same unattended temporarily or otherwise without completely extinguishing that fire.

47. Co-operative burnings. The Director may on any property the nearest boundaries of which are within 1.6 kilometres of any National Park or Environmental Park, join with the owner or occupier of such property, or render such assistance as the Director deems fit, in carrying out any burning operations which have been duly authorized under the *Rural Fires Act 1946-1977*.

48. Forfeiture of certain leases, etc. (1) Where the Minister is satisfied that, by reason of the failure to comply with any of the provisions of the *Rural Fires Act 1946-1977* or this Division by any person to whom has been granted, or who is the holder of any lease, permit or other authority granted, whether before or after the commencement of the *National Parks and Wildlife Act and Another Act Amendment Act 1982*, under any Act over or in respect of the whole or part of the National Park or Environmental Park, the continuance in force of that lease, permit, or other authority is prejudicial to the objects of this Act and is detrimental to the public interest, he may so advise the Minister of the Crown administering the Act under which the lease, permit or other authority is granted.

(2) Where a Minister has been so advised as aforesaid, the Governor in Council or other authority by whom the lease, permit, or other authority is granted may, upon the recommendation of the Minister so advised and notwithstanding anything to the contrary contained in any Act, forfeit that lease or cancel or suspend that permit, or other authority.

(3) Subsections (5), (6) and (7) of section 36 shall apply, with all necessary adaptations, to a forfeiture, cancellation or suspension effected under this section and in particular the reference in subsection (5) of section 36 to the Director shall be taken to be a reference to the authority by whom the lease, permit or other authority was granted.”.

27. New ss. 49 and 50. The Principal Act is amended by inserting after section 48 as inserted by this Part the following heading and sections:—

“ PART IV—MISCELLANEOUS

“ **49. Impounding.** For the purposes of the provisions of the *Local Government Act 1936–1981* relating to impounding and for the purposes of section 35 (2) of the *Fauna Conservation Act 1974–1979* relating to the taking of fauna, the Director shall be deemed to be the owner and the occupier of National Parks and for the purposes of the said section 35 (2) every National Park shall be deemed to be a holding situated within a sanctuary within the meaning of the *Fauna Conservation Act 1974–1979*:

Provided that the provisions of this section shall not prejudice the provisions of section 50 of this Act or any right conferred by any Act or law upon the occupier of any Crown holding within a National Park.

50. Wild Stock. (1) If the Director is satisfied that stock are unlawfully in, and are detrimental to a National Park he may—

(a) cause to be twice inserted in a newspaper circulating in the district wherein the National Park is situated, a notification that on a day or days specified therein, and being not less than 28 days from the date of the second insertion of such notification, a muster or musters of all or any of such stock in the National Park will be made at a stock-yard or stock-yards, the location of which shall be adequately set out in the notification, and that the owners of such stock as may be mustered and other interested persons may claim such stock at such stock-yard or stock-yards;

(b) cause to be made a muster or musters of all or any of such stock in the National Park and, for this purpose, issue on the prescribed form a permit to muster stock to such of his officers and employees and to such other persons as he deems necessary.

(2) A copy of a notification referred to in subsection (1) (a) shall be posted up at the office of the National Parks and Wildlife Service nearest to the National Park and a further copy thereof sent to—

(a) every clerk of a Magistrates Court for the Magistrates Courts District or Districts within which the National Park is situated; and

(b) every inspector of stock for the district or districts within which the National Park is situated,
and, upon receipt, posted up by those officers at their respective offices.

(3) Notwithstanding the provisions of subsection (1) (b) the Director shall not issue a permit to muster stock with respect to any part of a National Park which is comprised in a Crown holding or is subject to a permit granted under this Act without the consent in writing of the lessee or permittee first had and obtained.

(4) All stock mustered during any muster at a stock-yard shall be held at that stock-yard until noon on the day following the day of its muster at that stock-yard unless otherwise lawfully dealt with under the provisions of this section.

(5) At least one field officer shall attend at a stock-yard on the day or days of each muster at that stock-yard and until noon on the day following the last day of such muster.

(6) The field officer in attendance at a stock-yard shall release from that stock-yard and shall deliver to the claimant therefor any stock in respect of which a person has—

- (a) claimed ownership, or a right to possession, on the day of the muster at that stock-yard or before noon on the day following the day of such muster; and
- (b) established his claim to the satisfaction of the field officer; and
- (c) paid to the field officer such fees as may be from time to time prescribed: Provided that if the claimant has participated in and assisted the muster, and the forest officer thus certifies to the Director, he may be granted a rebate of such sum on account of fees as the Director may determine.

Before the field officer releases stock from a stock-yard under this subsection he shall give to the person to whom the stock is to be released a permit on the prescribed form to remove stock and travel it to the boundary of the area.

(7) Any person who removes, or causes to be removed, stock from a stock-yard notified in accordance with the provision of subsection (1) shall be guilty of an offence unless he has been given by a field officer in attendance at that stock-yard prior to such removal a permit referred to in subsection (6) of this section.

(8) Stock remaining in a stock-yard at noon on the day following the day of its muster at that stock-yard shall be dealt with in the following manner:—

- (a) all stock that is unbranded or carried no decipherable brand (when clipped if necessary) or in respect of which a claim has been made in accordance with the provisions of subsection (6) hereof but has not been established to the satisfaction of the field officer in attendance at the stock-yard or in respect of which a claim has been so established but the fees have not

been paid as required by subsection (6) of this section shall be sold, destroyed or otherwise disposed of in such manner and on such terms as the Director may determine;

- (b) all other stock shall be dealt with in accordance with the provisions of the *Local Government Act* 1936–1981 relating to the impounding of animals by private persons.

(9) The proceeds of sale of any stock and fees paid with respect to any stock under this section shall be paid to Consolidated Revenue.

(10) No owner, nor any person claiming a proprietary or possessory interest in any stock sold, destroyed, disposed of or otherwise dealt with in pursuance of this section shall have any claim to damages or compensation or otherwise against the Crown, the Director or any other person on account of anything done or omitted to be done bona fide with respect to such stock in the course of carrying out or giving effect to the provisions of this section, anything in any Act or law or process of law to the contrary notwithstanding.”

28. New ss. 51–53. The Principal Act is amended by inserting after section 50 as inserted by this Part the following sections:—

“**51. Unlawfully using National Park.** Any person who, except under the authority of and in compliance in every respect with a permit or other right or authority granted under this Act, or a lease, or other authority from the Crown, on any National Park—

- (a) depastures any stock; or
- (b) occupies, resides upon, or encloses any land or waters, or erects any hut or other structure whatsoever or grows crops upon any land, or clears or breaks up any land for cultivation or for any other purpose; or
- (c) places any beehives; or
- (d) traverses any part of such area with vehicles, teams, horses, or other animals,

shall be guilty of an offence which shall be deemed to be a park offence, against this Act.

The Director may from time to time grant permits for the purposes of paragraph (d) of this section to such persons as he deems fit and subject to such provisions, reservations and conditions as he deems fit.

52. Unauthorized building, etc., within National Park. (1) When any building, hut, tramline, fence, dam, weir, standing crop, or any other thing is found within a National Park and—

- (a) the owner or occupier thereof does not on demand produce any lease, permit or other authority therefor; or
- (b) after reasonable enquiries made by a field officer the owner or occupier thereof cannot be ascertained or cannot be found,

then on the hearing of the complaint by a field officer acting with the authority of the Director, any Magistrates Court may fix a time within which such building, hut, tramline, fence, dam, weir, crop, or other thing shall be removed.

(2) If such removal is not effected within the time so fixed, such building, hut, tramline, fence, dam, weir, crop, or other thing shall become the property of the Crown and may be disposed of or otherwise dealt with as the Director may direct.

(3) In any case where after such enquiries by a field officer as aforesaid an owner or occupier has not been ascertained or has not been found, the order of the Magistrates Court fixing the time for removal of the building, hut, tramline, fence, dam, weir, crop, or other thing shall, within a period fixed by the court for that purpose, be posted on some conspicuous part of the land on which the building, hut, tramline, fence, dam, weir, crop, or other thing is situated and no other service or publication of that order need be made or given.

53. Removal of trespassers. Any field officer who has reason to believe that any person is in unlawful occupation of any National Park or part thereof, may make complaint before justices, who shall hear and determine the matter in a summary way, and on being satisfied of the truth of the complaint, shall issue their warrant, addressed to any member of the Police Force of this State, requiring him forthwith to remove such person from such land or waters, and to take possession of the same on behalf of the Crown, and the person to whom the warrant is addressed shall forthwith carry the same into execution.”.

29. New ss. 54–58. The Principal Act is amended by inserting after section 53 as inserted by this Part the following sections:—

“ **54. Persons found in possession of forest products.** Any person found within any National Park or in the vicinity thereof, and having in his possession any forest products who on being thereunto required by a field officer, refuses or otherwise fails to give an account to the satisfaction of such officer of the manner in which he became possessed of such forest products shall be deemed to have got the same on or from that National Park, in contravention of the provisions of this Act, and shall be guilty of an offence against this Act, unless he satisfies the court to the contrary.

55. Receiving forest products. Any person who receives any forest products, the getting of which is an offence against this Act, knowing the same to have been so got shall be guilty of an offence, which shall be deemed to be a park offence, against this Act.

56. Power to enter land. Any officer or any employee of the Director or any other person authorized by the Director by writing so to do, may for the purposes of this Act, without any previous notice—

- (a) enter upon any land or waters whatsoever for the purpose of inspecting any forest products thereupon or therein, whether growing or otherwise, or for giving effect to any of the provisions of this Act and upon such entry carry out such purpose;
- (b) upon such entry, make surveys and examine any timber or other forest products thereupon or therein;

- (c) upon such entry, do anything necessary for ascertaining the suitability of the land or waters for any National Park purpose.

57. Seizure and forfeiture of forest products. (1) Any field officer may, if he has reason to believe that any forest products have been got or otherwise interfered with contrary to the provisions of this Act, or having been so got or otherwise interfered with have been abandoned, enter upon any place and seize such forest products.

(2) When any timber has been seized under this section the field officer making such seizure shall brand the timber with the prescribed brand and any timber so branded shall be deemed to be in the custody and possession of that field officer pending proceedings or until the field officer cancels the brand in the prescribed manner.

(3) When any forest products (other than timber) have been seized under this section the field officer making such seizure may, in lieu of detaining and removing the same, place in a conspicuous position upon any such forest products a notice in the prescribed form, or a form to the like effect, signed by him and specifying so as to sufficiently identify them, the forest products seized and the place wherein or whereon they are situated at the time of seizure and the date and time of such seizure and thereupon any such forest products shall be deemed to be in the custody and possession of that field officer pending proceedings or until that field officer by notice placed in the manner as aforesaid notifies that he has gone out of possession of such forest products.

(4) The field officer making such seizure shall forthwith give notice in writing thereof to the person in possession of, or reasonably believed to claim possession of, such timber or other forest products where such person can after reasonable enquiries be ascertained or found, and shall cause a copy of such notice to be displayed at the office of a clerk of the Magistrates Court within the Magistrates Court District wherein such seizure was made:

Provided that nothing in this subsection shall require the giving or displaying of such a notice when the person to whom that notice would otherwise be required to be given, was present at the time and place of such seizure.

(5) Any person claiming to be entitled to such timber or other forest products may, within 14 days after such seizure, apply to a Magistrates Court within the Magistrates Court District wherein the seizure was made for an order that such timber or other forest products be returned to him, and the court may hear and determine such application, and may either confirm wholly or in part or disallow the seizure and may make such order thereon as it deems just according as the court is satisfied that the person has established his entitlement or otherwise.

An application under this subsection shall be heard and determined in a summary manner under the *Justices Act 1886-1980* and the court shall have all the powers, authorities, immunities, and protection (including the power to adjourn the proceedings), so far as applicable, conferred upon justices under that Act:

Provided that any order (save in so far as the order confirms wholly or in part the seizure) made by the court shall not be a bar to the right of any person to recover the timber, or other forest products by action from the person to whom it may be delivered by virtue of the order.

(6) If no such application is made within the prescribed time or if the seizure is confirmed then to the extent of such confirmation, the timber or other forest products shall be forfeited and become the property of the Crown.

(7) Every person who without authority alters, uses, interferes with, or removes or disposes of in any way timber or other forest products seized under this section or attempts to do any such act whilst it is, or pursuant to this section is deemed to be, in the custody and possession of a field officer shall be guilty of an offence against this Act and shall be deemed to have committed a park offence.

The provisions of this subsection shall not derogate from or otherwise affect the provisions of section 61 of this Act.

(8) Any field officer, or any employee of the Director or other person authorized by the Director by writing so to do, may (with such assistants, plant, vehicles, animals, and equipment as may be necessary for the purpose) enter upon any place and thereon or therein remain and do and take all such things and steps as will enable him to obtain and remove the timber or other forest products which, pursuant to this section, have been seized or have become and remain the property of the Crown.

Such power of entry shall include such right of ingress, egress, and regress as may be necessary in the circumstances.

(9) Any of the circumstances under which timber or other forest products shall, for the purposes of this Act, be deemed to be abandoned may be prescribed by the regulations.

(10) A field officer may seize any beehive or beehives which have been placed on a National Park otherwise than under the authority of a permit granted under this Act, and may remove such beehive or beehives from such National Park and may sell or otherwise dispose of the same. The proceeds, if any, of such sale or disposal shall be paid into Consolidated Revenue.

(11) A field officer may seize any equipment or gear for taking, getting or interfering with forest products, or equipment for the purpose of carrying on activity prohibited in a National Park which equipment is on a National Park otherwise than under the authority of this Act or of a permit granted under this Act and may remove such equipment or gear seized from the National Park and may sell or otherwise dispose of the same. The proceeds, if any, of such sale or disposal shall be paid into Consolidated Revenue.

(12) The provisions of this section shall be in addition to and not in diminution of or substitution for any other provisions of this Act.

58. Power of the Director to deal with forest products forfeited. (1) Forest products forfeited under this Act shall be dealt with or disposed of as the Director may direct.

(2) Any such forfeiture, dealing with, or disposal shall not confer upon any person any right to compensation.

(3) The provisions of this section or any other provision of this Act relating to the seizure, detention, removal or forfeiture of any forest products shall not prejudice the rights of the Crown with respect to any forest products which are the property of the Crown, and any such right may be exercised at any time by the Crown.”.

30. New ss. 59–63. The Principal Act is amended by inserting after section 58 as inserted by this Part the following sections:—

“ **59. Matters may be completed by different officers.** (1) If an officer has issued any order or given any direction or notice or made any request or taken any action under this Act, he or any other officer who is empowered by this Act to issue, give, or make a like order, direction, notice, or request, or, as the case may be, to take any like action, may at any time (and shall if so directed by the Director) withdraw or revoke or from time to time vary the order, direction, notice, request, or action, or take further steps thereon.

(2) Any officer may, without further warrant or authority than this subsection, summarily interfere to prevent any actual or attempted breach of this Act.

(3) Every officer shall be furnished with a certificate of appointment, signed by the Director and upon entering any place for the purposes of this Act shall, if required, produce such certificate to the occupier of the place.

(4) Every employee of the Director or other person authorized by the Director to enter upon any place for the purposes of this Act shall be furnished with a certificate of his authority signed by the Director and upon entering the place shall, if required, produce his authority to the occupier of the place.

60. Owners and occupiers to give all reasonable assistance. The owner or occupier of any place and a person in charge or apparently in charge of any place shall furnish to any officer or other person acting under lawful authority under or pursuant to this Act, all reasonable assistance and all such information which he is capable of furnishing or as required by that officer or person with respect to the exercise of his powers and the discharge of his duties under this Act.

61. Offences. (1) A person shall not—

- (a) assault, obstruct, hinder, threaten, abuse, insult or intimidate any officer or employee of the Director in the exercise of his powers or the discharge of his duties under this Act, or offer or attempt, or invite or encourage any other person, so to do;
- (b) fail to facilitate by all reasonable means the entry and inspection of any place by any officer or employee of the Director;
- (c) refuse to allow to be removed, seized or detained under this Act any forest products or equipment or gear;

- (d) take, retake, remove or otherwise interfere with or attempt to take, retake, remove or otherwise interfere with forest products or equipment or gear removed, seized or detained under this Act;
- (e) when required by or under this Act to furnish any assistance or to furnish any information to an officer or employee of the Director fail to furnish that assistance or information, as the case may be, or, in the latter case, furnish information which is in any respect false or misleading;
- (f) fail, without reasonable excuse, the proof whereof shall lie upon him, to produce any permit or other authority, document, or writing which he is required under this Act by an officer or employee of the Director to produce, or fail to allow an officer or employee of the Director to take a copy of or extract from any such permit or other authority, document, or writing;
- (g) fail to comply with the lawful requisition or any part of the lawful requisition of any officer or employee of the Director;
- (h) give or agree to give or offer to any officer or employee of the Director any gift or consideration as an inducement or reward for any act done or to be done, or any forbearance observed or to be observed, or any favour shown or to be shown by such officer or employee in or in relation to the exercise of his powers or the discharge of his duties under this Act: (For the purpose of this paragraph, a gift or consideration shall be deemed to be given as an inducement or reward if the receipt or any expectation whereof would be in any way likely to influence the officer or employee to do or leave undone something contrary to his duty); or
- (i) without lawful authority, the proof whereof shall lie upon him, take, destroy, damage, or otherwise interfere with or cause to be taken, destroyed, or otherwise interfered with any buildings, fences, gates, roads, tracks, works, notices, materials, tools, goods or chattels of any nature vested in the Director and being on any National Park.

(2) No person shall be obliged under this Act to answer any question, or give any information or evidence, or to sign any declaration tending to criminate himself.

(3) In this section the term " officer " includes any person acting under lawful authority under or pursuant to this Act.

62. Forgery of permit, etc., and other offences. A person shall not—

- (a) forge or counterfeit any permit, certificate, or other authority granted under and for the purposes of this Act;
- (b) utter, or make use of any such permit, certificate, or other authority so forged or counterfeited;

- (c) counterfeit or unlawfully fix to any forest products any mark used by and appropriated for the use of field officers, or unlawfully alter, remove, disfigure, or obliterate any mark placed upon any forest products by any field officer;
- (d) without due authority, make or cause to be made, or use or cause to be used, or have in his possession, a brand or stamp which resembles or purports to be a brand or stamp such as is usually used by field officers;
- (e) unlawfully alter, obliterate, deface, pull up, remove, or destroy any boundary-mark or any notice which has been posted in any place for the purposes of this Act;
- (f) personate any person named in any permit, certificate, or other authority granted under and for the purposes of this Act;
- (g) make or cause to be made in any declaration, or statement directed by this Act to be kept or made, any entry or writing which is to his knowledge false in any material particular; or
- (h) connive at any such forging, counterfeiting, uttering, making use, fixing, making, using, personating, or making of the entry or writing, as aforesaid.

Penalty: \$1 000 or imprisonment for 12 months.

63. Offences generally. (1) (a) Any person who contravenes or fails to comply with any provision of this Act shall be guilty of an offence against this Act.

(b) Every person who attempts, aids, abets, counsels, or procures, or is in any way knowingly concerned in, the commission of an offence against this Act shall be deemed to have committed that offence, and shall be punishable accordingly.

(c) Where by this Act any authority is given to any person to direct anything to be done or to forbid anything to be done and anything so directed to be done is not done or anything so forbidden to be done is done, then every person who has offended against such direction or, as the case may be, prohibition shall be guilty of an offence against this Act.

(2) Any person guilty of an offence against any provision of this Act shall be liable, if no specific penalty is provided for that offence, to a penalty of not less than \$100 and not exceeding \$500:

Provided that in the case of an offence deemed by this Act to be a park offence, the person guilty of that offence shall be liable, if no specific penalty is provided for the offence, to a penalty of not less than \$200 and not exceeding \$1 000.

(3) Any person guilty of an offence against any provision of this Act relating to National Parks shall, in every case, be liable for all loss and all damage caused by that offence, in addition to the penalty for the offence, and such loss and damage may be awarded by the court in fixing the penalty, and may be recovered in the same way as a pecuniary penalty.

For the purposes of this subsection, the loss and damage caused by the offender shall include the value of the forest products in respect of which the offence was committed, and also the value of the damage to the National Park including any works or improvements thereon caused by the offence:

Provided that all such loss and damage may be recovered by the Director by action as for a debt in any court of competent jurisdiction.

Furthermore the value of any tree in relation to which the offence was committed, shall be taken to be the sale price ordinarily obtainable on the sale of the tree then and there standing.

(4) Penalties imposed for offences against this Act shall be in addition to and not in substitution for any penalty or fine (pecuniary or otherwise) imposed by or under any lease, permit or other authority under this Act.

(5) Notwithstanding anything in any Act to the contrary, when any person is convicted of any offence against this Act, the penalty to be imposed in respect of such offence shall not be reduced below any prescribed minimum amount of penalty.

(6) Any penalty or punishment to which the person committed may be liable under this Act upon his conviction shall be in addition to any forfeiture under this Act.

(7) All offences against this Act may be prosecuted and all amounts of fees, charges, or other moneys payable under this Act and not paid may be recovered in a summary way under the *Justices Act 1886-1980* on complaint by—

(a) any field officer; or

(b) any other person authorized in that behalf either generally, or in the particular case, by the Director.

(8) A prosecution for an offence against this Act may be instituted at any time within 12 months after the commission of the offence or within 6 months after the commission of the offence comes to the knowledge of the complainant, whichever is the later period.

(9) When an offence against this Act is committed in a National Park at a place that is not within a Magistrates Courts District a proceeding in relation to that offence may be instituted in any such district that abuts upon a boundary of the park or, if there be no such district, in the Magistrates Courts District a boundary whereof is nearest, by direct measurement, to the place where the offence was committed and the Magistrates Court within that district shall be the competent court having jurisdiction to hear and determine that proceeding in accordance with the *Justices Act 1886-1980*.

(10) When an act or proceeding that is required to be done or taken at a place ascertained by reference to the place where any seizure was made or act was done is to be done or taken in relation to any seizure made or act done within a National Park at a place that is not within

a Magistrates Courts District it shall be done or taken in any such district that abuts upon a boundary of the park or, if there be no such district, in the Magistrates Courts District a boundary whereof is nearest, by direct measurement, to the place where the seizure was made or the act was done and in respect of a proceeding so taken the Magistrates Court within that district shall be the competent court having jurisdiction to hear and determine the issue therein as prescribed by this Act."

31. New ss. 64-66. The Principal Act is amended by inserting after section 63 as inserted by this Part the following sections:—

" 64. Recovery of moneys due. All moneys due to the Crown or the Director in respect of any loss or damage to any forest products on a National Park or in respect of any other matter or thing whatsoever under this Act may be recovered at the suit of the Director in any court of competent jurisdiction by action as for a debt.

Where the liability for the payment of any such moneys arises by reason of, or in connexion with, a contravention of this Act, such moneys shall be recoverable under this Act whether proceedings in respect of that contravention are commenced or not and whether any person is convicted therefor or not.

The provisions of this section are in addition to and not in diminution of or substitution for any other provision of this Act.

65. Director may appear by officer. (1) The Director may appear before any court or in any proceedings by any officer or other person authorized by the Director in that behalf either generally or in the particular case and the officer or other person shall be at liberty to institute and carry on any proceedings which the Director is authorized to institute and carry on under this Act.

(2) The officer or other person shall be reimbursed all costs, charges, and expenses to which he may be put or with which he may become chargeable by reason of anything contained in this provision.

(3) If any person against whom the Director has any claim or demand under this Act takes the benefit of any law for the relief of insolvent debtors, the officer or other person authorized in that behalf, in all proceedings against the estate of such insolvent or under any adjudication, sequestration, or act of insolvency against or by such insolvent, may represent the Director and act on his behalf in all respects.

(4) The provisions of this section shall be in addition to and not in derogation of any other provisions of this Act relating to the institution of any proceedings by or against the Director.

(5) Whenever in any proceeding it becomes necessary or desirable to adduce evidence that—

(a) any works or chattels are the property of the Director; or

- (b) the Director has or has not given authority to a person concerned in that proceeding to deal with such works or chattels and the extent of any authority given by him,

such evidence may be adduced before the court or tribunal hearing that proceeding through any officer authorized in that behalf in writing purporting to be under the hand of the Director and every such court or tribunal shall accept such evidence as evidence in the proceeding notwithstanding that such evidence may, in a particular case, be in the nature of hearsay evidence.

66. Power of the Director to waive proceedings. Where any forest products are got, ringbarked, destroyed, damaged, used, marked or in any way interfered with in contravention of this Act the Director may demand payment of—

- (a) the value of such forest products;
- (b) the value of the damage to the National Park and any property vested in the Director occasioned by the contravention; and
- (c) the cost and expense of the investigation by or on behalf of the Director of the contravention,

in such amount or amounts as the Director determines, from the person who actually committed the contravention of this Act or, where the contravention has occurred by reason of any instruction or information given by any other person, from that other person.

Where two or more persons have given any instruction or information, by reason of which the contravention of this Act was committed, demand under this subsection shall be made on the person who first gave that instruction or information.

Any amount so demanded and not paid may be recovered by the Director by summary proceedings upon complaint or by action as for a debt in any court of competent jurisdiction.

A proceeding or action under this section for the recovery of any amount may be commenced whether or not proceedings for prosecution of an offence against this Act are commenced or not and whether any person is convicted therefor or not.

For the purposes of this section the value of any tree shall be taken to be the sale price ordinarily obtainable on the sale of the tree as it stood immediately before the act that has rendered the person concerned liable under this section to a demand upon him by the Director.”.

32. New ss. 67–72. The Principal Act is amended by inserting after section 66 as inserted by this Part the following sections:—

“**67. All moneys to be property of Crown.** (1) All debts and other moneys whatsoever for the time being owing to the Director under this Act by any person on any account whatsoever, are hereby declared to be the property of the Crown and recoverable as from debtors to the Crown with such interest, if any, as prescribed.

(2) Any money due to the Crown under this Act may be recovered by summary proceedings on complaint, or by action as for a debt in any court of competent jurisdiction.

(3) The several remedies for the recovery of amounts of fees, charges and other sums payable under this Act and not paid shall be alternative and no such remedy shall prejudice or otherwise affect any other excepting that resort shall not be had to more than one such remedy in respect of any one and the same amount of fees, charges or other sums so payable.

68. Judicial notice. Judicial notice shall be taken of—

- (a) the boundaries of every National Park; and
- (b) every notification under this Act published in the Gazette.

69. Mistaken belief as to boundaries. (1) In every case of a sale of any forest products situated on any land or part of any land whereon forest products are not the property of the Crown and which land or part thereof is adjoining or situated in the vicinity of a National Park, it shall be the duty of the seller to clearly and correctly indicate to the buyer and of the buyer to clearly and correctly ascertain the boundaries of that land or, as the case may be, part.

(2) Any person who is charged with an offence against this Act with respect to the getting, ringbarking, destroying, damaging, or other interference with any forest products, or with respect to trespass or encroachment upon, or unlawful use of, any National Park, shall not escape liability for that offence by pleading any mistaken belief as to the situation of the boundaries of any land or waters or part of any land or waters whereon he was lawfully entitled to get, ringbark, destroy, damage, or otherwise interfere with any forest products or of that National Park.

70. Facilitation of proof. In any proceedings under or for the purpose of this Act—

- (a) it shall not be necessary to prove the appointment of any officer, or employee or agent of the Director, or the authority of any officer, or employee or agent of the Director, to do any act or to take the proceedings or to give any direction or order, but this shall not prejudice the right of any defendant to prove the extent of such authority;
- (b) a signature purporting to be that of any officer shall be taken to be the signature it purports to be until the contrary is proved;
- (c) it shall not be necessary to prove that any place is within a National Park, or part thereof, but this shall not prejudice the right of any defendant to prove that any place is not within the National Park or part thereof;
- (d) a document purporting to be a duplicate copy of a lease, permit or other authority, notice, or order granted, given or made under this Act shall, upon its production in evidence,

be evidence of that lease, permit, other authority, notice, or, as the case may be, order, and in the absence of evidence in rebuttal thereof, shall be conclusive evidence thereof:

- (e) a document purporting to be signed by the Director and stating that at any specified time there was or was not in force a lease, permit, certificate or other authority, as described therein granted, given or made under this Act to or with a specified person and if stated therein, that such lease, permit, certificate or other authority was or was not subject to terms, conditions, or restrictions, or was or was not issued or made subject to the provisions, conditions, and restrictions set out in that document shall, upon its production in evidence, be evidence of the matters in that document, and in the absence of evidence in rebuttal thereof, shall be conclusive evidence of such matters;
- (f) A document purporting to be a copy of any letter or telegram and purporting to be signed by the Director and purporting to authorise any person to institute any legal proceedings shall be admissible in evidence at the proceedings and shall be accepted as evidence of the authority of the person to institute and prosecute the proceedings;
- (g) the averment in any complaint of the date on which the commission of any offence under this Act came to the knowledge of the complainant shall be evidence of that matter and in the absence of evidence in rebuttal shall be conclusive evidence of such matter;
- (h) where an offence is committed by a person in respect of more than one National Park a complaint may aver that the offence has been so committed and it shall not be necessary to show the extent of the offence in respect to any one of such National Parks;
- (i) a map or plan purporting to be made by any officer or employee of the Director or purporting to be issued or published by any Department of the Government of this State or any officer thereof, shall, upon its production in evidence, be evidence of the matters stated or delineated thereon, and in the absence of evidence in rebuttal thereof, shall be conclusive evidence of such matters;
- (j) copies of any plans, sections, specifications and books of reference relating to matters arising under this Act, or of any alteration or correction thereof, or extracts therefrom, certified by an officer authorized by the Director in that behalf to be true copies or, as the case may be, extracts thereof (which certificates such officer shall give to all parties interested when required, on payment of such fees as are prescribed) shall, upon production in evidence, be evidence of the contents thereof, and in the absence of evidence in rebuttal thereof, shall be conclusive evidence of the contents thereof:

- (k) a document purporting to be signed by the Director and certifying that the amount of fees, costs, charges, expenses, or other sums specified therein is payable under this Act and has not been paid by a specified person shall, upon its production in evidence, be evidence of the matter or matters certified to therein, and in the absence of evidence in rebuttal thereof shall be conclusive evidence of such matter or matters;
- (l) any document whatever purporting to be issued or written by or under the direction of the Director and purporting to be signed by the Director shall be received in evidence and shall be deemed to be issued or written by or under the direction of the Director until the contrary is proved: (The expression "document" includes any order, direction, and notice).

71. Service of notices, etc. (1) Unless otherwise expressly provided, a notice, order, direction, or other document empowered, authorized, or required by a provision of this Act to be served upon, or given, or delivered to any person by the Director or any officer or employee of the Director may be so given, delivered, or served—

- (a) by delivering the same or a copy thereof to that person (or his manager, servant, or agent) personally or by leaving the same or a copy thereof at his last known business or residential address;
- (b) by prepaid post letter containing the same, or a copy thereof, and addressed to that person at his usual place of business or residential address, or at his last known business or residential address, in which case it shall be deemed to be so served, given, or delivered at the time when that letter would be received by that person in the ordinary course of post; or
- (c) by prepaid certified mail letter containing the same, or a copy thereof, and addressed as aforesaid, in which case the production in evidence of the proper receipt from a post office for that letter shall, until the contrary is proved, be sufficient proof that it was so served, given, or delivered upon the date when that letter would have been received by the person concerned in the ordinary course of post.

(2) A person or his manager, servant, or agent shall, if thereunto required by an officer or employee of the Director acknowledge any notice, order, direction, or other document given, delivered, or served under this Act, by signing the original or, as the case may be, duplicate copy retained by the officer or employee.

72. Regulations. (1) The Governor in Council may from time to time make regulations, not inconsistent with this Act, prescribing all matters and things which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act and, without limiting the generality of the foregoing provisions of this section, regulations may be made for or in respect of all or any of the purposes, matters, and things set forth in the Schedule to this Act.

(2) The power to make with respect to National Parks, forest products, or matters or things whatsoever, any regulation under this Act shall include power to make that regulation so that it may be of general or specially limited application according to time, place, purposes, classes or circumstances, or otherwise as is prescribed, and so that any regulation of specially limited application may or may not differ from any other regulation of specially limited application with respect to the same persons, matters, or things.

The power to make regulations with respect to any matter shall include power to make regulations under this section prohibiting that matter either generally or to meet particular cases.”

33. New ss. 73-77. The Principal Act is amended by inserting after section 72 as inserted by this Part the following sections:—

“ **73. Misnomer, inaccurate description, etc.** (1) No misnomer, inaccurate description, or omission in or from any Proclamation, Order in Council, regulation, order, or notification, shall in anywise prevent or abridge the operation of this Act with respect to the subject matter of that misnomer, inaccurate description, or omission provided the same is designated so as to be understood.

(2) No Proclamation, Order in Council, or notification purporting to be made under this Act and being within the powers conferred on the Governor in Council or other authority shall be invalid on account of any non-compliance with any of the matters required by this Act as preliminary to the same.

74. Orders in Council and Proclamations. Section 28A of the *Acts Interpretation Act 1954-1977* shall apply with respect to Orders in Council and Proclamations made for the purposes of this Act and, for the purposes of such application, that section shall be read and construed as if references to regulations were references to Orders in Council or, as the case may be, Proclamations made for the purposes of this Act.

75. Reports etc. (1) The Director shall, as soon as practicable after the thirtieth day of June in each year, prepare and furnish to the Minister a report on the operations of the National Parks and Wildlife Service during the year ended on that date.

(2) The report mentioned in subsection (1) shall be by the Minister forthwith laid before the Legislative Assembly if the Legislative Assembly is then sitting, otherwise within 14 sitting days after the commencement of the session next ensuing.

(3) The Director shall furnish to the Minister whenever and such as the Minister may require, reports, estimates, accounts, vouchers and documents relating to any matters under the control or management of the Director or to the administration of this Act.

76. Saving of certain Acts. Unless otherwise expressly provided, the provisions of this Act shall be in addition to and not in substitution for or diminution of the provisions of—

(a) *The Criminal Code*;

- (b) the *Rural Fires Act* 1946–1977;
- (c) the *Fauna Conservation Act* 1974–1979;
- (d) the *Petroleum (Submerged Lands) Act* 1967–1975;
- (e) the *Fisheries Act* 1976;
- (f) the *Pollution of Waters by Oil Act* 1973;
- (g) the *Queensland Marine Act* 1958–1979;
- (h) the *Harbours Act* 1955–1982.

and nothing in this Act shall affect or prevent the doing or exercise of any powers, authorities, functions, or jurisdiction conferred or imposed upon any person by any such Act, or prevent the enforcement and recovery of any penalty, fee, fine, or forfeiture which is enforceable and recoverable under any such Act:

Provided that where any act or omission constitutes the same offence both under this Act and under any such Act, any person doing or omitting to do such act may be proceeded against either under this Act or under such other Act, but so that no person shall be twice punished for the same offence.

To the extent that there is any inconsistency between the provisions of this Act and the provisions of the *Petroleum (Submerged Lands) Act* 1967–1975 the provisions of that Act shall prevail.

77. Protection of the Crown, etc. 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 employee of the Director or honorary protector on account of anything done for the purposes of this Act or done in good faith and without negligence and purporting to be for the purposes of this Act.”.

34. Insertion of Schedule. The Principal Act is amended by inserting after section 77 as inserted by this Part the following Schedule:—

“ SCHEDULE

SUBJECT MATTERS FOR REGULATIONS

- 1. Officers.** Prescribing the powers, functions, authorities and duties of field officers, other officers, and employees of the Director.
- 2. Training of officers.** Providing for the training of officers.
- 3. Mode of action, etc.** Prescribing and defining the manner of doing or performing any act or thing under or for the purposes of this Act, and the time when or within which it shall be done or performed.
- 4. Use, etc., of buildings.** Providing for, regulating and controlling the use, management, and letting of any building or structure or other improvement whatsoever under the control of the Director.
- 5. Permits, etc.** (a) Prescribing, regulating, and controlling applications for, and the granting and issuing of leases, permits, and other authorities, and the entering into agreements and contracts, under or for the purposes of this Act; Prescribing the provisions, conditions,

and reservations subject to which all or any such leases, permits, other authorities, agreements and contracts shall be granted or made, held, transferred, mortgaged, extended, determined, cancelled, forfeited, surrendered, or withdrawn.

(b) Prescribing, regulating, and controlling the exercise of the powers and authority conferred by leases, permits, other authorities, agreements and contracts, and all or any matters incidental thereto.

(c) Prescribing the conditions under which, and the period or maximum period for which, the obligations under this Act of the holder of a lease, permit, or other authority, or of a party to a contract or agreement to perform any conditions thereof may be suspended.

(d) Prescribing the manner and form of forfeiture or cancellation or suspension of leases, permits, other authorities, and agreements and contracts, and the conditions under which such may be made, and the procedure to be observed.

6. Deposits. Prescribing the deposits to be lodged with an application or tender under this Act and prescribing the conditions under which such deposits may be forfeited.

7. Auction, etc., of grazing permits, etc. Prescribing the procedure for the sale by auction or tender or otherwise of rights, stock grazing permits, occupation permits, or apiary permits, and enabling upset prices or minimum charges to be fixed.

8. Production of permits, etc. Requiring the production of any lease, permit, or other authority, agreement or contract by the holder thereof, for the purpose of making an endorsement thereon, or for any other purposes.

9. Fire prevention, etc. Prescribing means for fire prevention and protection in National Parks.

10. Prevention of pollution. Prescribing with respect to the depositing or discharge of effluent, rubbish, refuse, garbage, litter or other matter whether in a solid or fluid state on National Parks or in waters adjacent to National Parks.

11. National Parks. Prescribing in relation to National Parks with respect to—

- (i) the management and control of parks;
- (ii) the right of access by visitors or campers to parks and to the several parts of parks; the provision of permits to camp therein in such areas as may be prescribed and the terms and conditions upon which such permits may be granted and revoked;
- (iii) the conduct and duties of persons in parks;
- (iv) recreational activities within the boundaries of parks;
- (v) commercial activities within the boundaries of parks;
- (vi) salvage of vessels or marine wrecks in parks; the preservation of historical wrecks and wreckage found in parks;

(vii) charges payable for use of facilities and improvements provided in parks;

(viii) the constitution of offences (including continuing offences) consisting in the contravention or failure to comply with any regulation concerning parks or the forest products therein: the imposition and recovery of penalties for such offences by way of a maximum penalty not exceeding \$1 000, or a minimum penalty, or, in the case of a continuing offence, a daily penalty not exceeding \$200 for each day on which the offence continues either in substitution for or in addition to any other penalty prescribed.

12. Honorary protectors. Prescribing the powers, functions and authorities of honorary protectors.

13. Forms. Prescribing forms (including registers, records, books, documents, instruments, permits, agreements, contracts, and other writings) under and for the purposes of this Act and the respective purposes for which such forms, or forms to the like effect, shall be used and specifying such information as is required to be contained in such forms, and requiring the verification of any statements inserted in or on any prescribed forms by declaration made under *The Oaths Acts, 1867 to 1960*.

14. Fees, etc. Prescribing the matters or things in respect whereof fees, costs, charges, and expenses shall be payable under this Act and the amounts of such fees, costs, charges, and expenses, and prescribing the persons who shall be liable for the payment of such fees, costs, charges, and expenses, and when such fees, costs, charges, and expenses shall be payable and paid, and providing for the manner of payment thereof and for the recovery of any amount thereof not duly paid.

15. Stock. Prescribing all or any matters and things necessary or desirable with respect to the disposal by the Director of or the dealing by the Director with, stock found on National Parks.

16. Penalties. Prescribing either generally or for the purpose of any particular regulations the amount of any pecuniary penalty, or either or both the minimum penalty and maximum penalty for an offence with respect thereto, not exceeding in any case \$500."

PART III—AMENDMENTS TO FORESTRY ACT

35. Citation. (1) In this Part the *Forestry Act 1959–1981* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Forestry Act 1959–1982*.

36. Amendment of long title. The long title of the Principal Act is amended by omitting the words "to make Provision for the Management of National Parks;".

37. Amendment of s. 3. Parts of this Act. Section 3 of the Principal Act is amended by—

(a) omitting the words “, TIMBER RESERVES AND NATIONAL PARKS ” and substituting the words “ AND TIMBER RESERVES ”;

(b) omitting the expression “ PART V—MANAGEMENT OF NATIONAL PARKS (ss. 40–43); ”;

(c) omitting the words “, FOREST ENTITLEMENT AREAS, NATIONAL PARKS AND ENVIRONMENTAL PARKS ” and substituting the words “ AND FOREST ENTITLEMENT AREAS ”.

38. Amendment of s. 5. Meaning of terms. Section 5 of the Principal Act is amended by—

(a) in the definition of “ Animal life ” omitting the words “ and includes both marine and fresh-water forms of animal life ”;

(b) in the definition of “ Contiguous ” omitting the words “ or in relation to lands or waters set apart and declared as National Parks, includes lands or, as the case may be, waters ” and substituting the words “, includes lands ”;

(c) in the definition of “ Forest products ”—

(i) omitting the words “, Forest Entitlement Area, National Park or Environmental Park ” and substituting the words “ or Forest Entitlement Area ”;

(ii) omitting the penultimate paragraph;

(d) omitting the definitions of “ Historic area ” and “ Land ”;

(e) omitting the definition of “ National Park ” and substituting the following definition—

“ National Park ”—A National Park within the meaning of the *National Parks and Wildlife Act 1975–1982*; ”;

(f) omitting the definitions of “ Primitive area ”, “ Primitive and recreation area ”, “ Recreation area ”, “ Sea bed ” and “ Scientific area ”.

39. Amendment of s. 11. Functions etc. of the Department. Section 11 of the Principal Act is amended by in subsection (1)—

(a) omitting provision (vi);

(b) omitting provision (xii) and substituting the following provision:—

“(xii) The determination of the areas of the State Forests and Timber Reserves from time to time existing which may be leased consistent with the objects of this Act, the utilisation of the grazing thereon by such means as the Conservator of Forests may deem desirable, and the carrying out and control of any works for the improvement of the grazing or productive capacity of any such State Forests and Timber Reserves:”.

40. Amendment of s. 18. General powers of forest officers. Section 18 of the Principal Act is amended by in subsection (1) omitting from provision (iii) the words “ National Park ”.

41. Amendment of s. 23. Classification of lands. Section 23 of the Principal Act is amended by—

- (a) omitting the words “ or waters ” (wherever occurring);
- (b) omitting the words “ or adjacent to ”.

42. Amendment of s. 24. Recommendation for reservation. Section 24 of the Principal Act is amended by—

- (a) in subsection (1) omitting the words “ or any waters ”;
- (b) in subsection (2)—
 - (i) omitting the words “ or waters ” (wherever occurring except where occurring in provision (b) and the paragraph commencing with the words “ If the Land Administration Commission ”);
 - (ii) omitting provision (b);
 - (iii) omitting the paragraph commencing with the words “ If the Land Administration Commission ” and substituting the following paragraph:—

“ If the Land Administration Commission advises that it does not concur with the making by the Conservator of Forests of a recommendation that the land be set apart under and for the purposes of this Act the Minister may refer the matter to the Chief Commissioner of Lands and the Conservator of Forests for joint investigation and report thereon in writing to the Minister.”;

- (c) in subsection (3) omitting the expression “(other than sea bed)” and the words “ goldfield or ”;
- (d) in subsection (4) omitting the expression “ or (b)”.

43. Omission of heading. The Principal Act is amended by omitting the words “ NATIONAL PARKS ” where they appear above section 29.

44. Repeal of ss. 29 to 31A. The Principal Act is amended by repealing sections 29 to 31A (both inclusive).

45. Amendment to s. 32. Land for tourist purposes. Section 32 of the Principal Act is amended by—

- (a) omitting the words “, Timber Reserve, or National Park other than land declared as a primitive area or a scientific area ” and substituting the words “ or Timber Reserve ”;
- (b) omitting the words “, Timber Reserve, or, as the case may be, National Park ” and substituting the words “ or Timber Reserve ”;
- (c) omitting the words “, Timber Reserve, or National Park in question ” and substituting the words “ or Timber Reserve in question ”.

46. Repeal of Part V. The Principal Act is amended by—

- (a) omitting the heading of Part V;
- (b) repealing sections 40 to 43 (both inclusive).

47. Amendment of s. 52. Power to subsidise road works. Section 52 of the Principal Act is amended by omitting the words “, Timber Reserve, or National Park ” and substituting the words “ or Timber Reserve ”.

48. Amendment of heading. The Principal Act is amended by in the heading of Part VII omitting the words “, FOREST ENTITLEMENT AREAS, NATIONAL PARKS AND ENVIRONMENTAL PARKS ” and substituting the words “ AND FOREST ENTITLEMENT AREAS ”.

49. Amendment of ss. 62 to 68. The Principal Act is amended by omitting the words “, Forest Entitlement Area, National Park or Environmental Park ” wherever they occur in sections 62, 63, 64, 65, 66, 67 and 68 and substituting in each case the words “ or Forest Entitlement Area ”.

50. Amendment of s. 69. Forfeiture of leases and the like and cancellation of agreements. Section 69 of the Principal Act is amended by in subsection (1) omitting the words “, Timber Reserve, National Park or Environmental Park ” and substituting the words “ or Timber Reserve ”.

51. Amendment of s. 71. Impounding. Section 71 of the Principal Act is amended by—

(a) omitting the words “, Timber Reserves and National Parks ” and substituting the words “ and Timber Reserves ”;

(b) omitting the words “ and National Park ”;

(c) omitting the words “, Timber Reserve or National Park ” and substituting the words “ or Timber Reserve ”.

52. Amendment of s. 72. Wild Stock. Section 72 of the Principal Act is amended by in subsection (1)—

(a) omitting the words “, Forest Entitlement Area or National Park ” and substituting the words “ or Forest Entitlement Area ”;

(b) omitting the words “, Area or, as the case may be, Park ” and substituting the words “ or, as the case may be, Area ”.

53. Amendment of s. 73. Unlawfully using State Forests etc. Section 73 of the Principal Act is amended by omitting the words “, Forest Entitlement Area or National Park ” and substituting the words “ or Forest Entitlement Area ”.

54. Amendment of s. 74. Unauthorised building, etc., within State Forest, etc. Section 74 of the Principal Act is amended by in subsection (1) omitting the words “, Forest Entitlement Area or National Park ” and substituting the words “ or Forest Entitlement Area ”.

55. Amendment of s. 75. Removal of trespassers. Section 75 of the Principal Act is amended by—

(a) omitting the words “, Forest Entitlement Area or National Park ” and substituting the words “ or Forest Entitlement Area ”;

(b) omitting the words “ or waters ”.

56. Amendment of s. 77. Persons found in possession of forest products. Section 77 of the Principal Act is amended by omitting the words “ National Park,” (wherever occurring).

57. Amendment of s. 82. Section 82 of the Principal Act is amended by—

(a) in subsection (10), omitting the words “ or National Park ” (wherever occurring);

(b) omitting subsection (11).

58. Amendment of s. 86. Section 86 of the Principal Act is amended by in subsection (1) (x) omitting the words “ State Forest, Timber Reserve or National Park ” and substituting the words “ State Forest or Timber Reserve ”.

59. Amendment of s. 88. Section 88 of the Principal Act is amended by—

(a) in provision (b) (i) of subsection (2) omitting the words “, Timber Reserves or National Parks ” and substituting the words “ or Timber Reserves ”;

(b) omitting subsections (5) and (6).

60. Amendment of s. 93. Section 93 of the Principal Act is amended by in subsection (1) omitting the words “, Timber Reserve and National Park ” and substituting the words “ and Timber Reserve ”.

61. Amendment of s. 94. Mistaken belief as to boundaries. Section 94 of the Principal Act is amended by in the second paragraph—

(a) omitting the words “, Timber Reserve or National Park ” and substituting the words “ or Timber Reserve ”;

(b) omitting the words “ or waters ” (wherever occurring);

(c) omitting the words “, Timber Reserve, or, as the case may be, National Park ” and substituting the words “ or, as the case may be, Timber Reserve ”.

62. Amendment of s. 95. Facilitation of proof. Section 95 of the Principal Act is amended by—

(a) in provision (iii) omitting the words “, Timber Reserve or National Park ” (wherever occurring) and substituting in each case the words “ or Timber Reserve ”;

(b) in provision (viii) omitting the words “ National Park,”.

63. Amendment of s. 97. Regulations. Schedule II. Section 97 of the Principal Act is amended by in subsection (2) omitting the words “ National Parks,”.

64. Amendment of Second Schedule. The Second Schedule to the Principal Act is amended by—

- (a) in clause 4 omitting the words “ and National Parks ”;
- (b) in clause 18 omitting the words “, Timber Reserves and National Parks ” and substituting the words “ and Timber Reserves ”;
- (c) in clause 19 omitting the words “, Timber Reserve or National Park ” and substituting the words “ or Timber Reserve ”;
- (d) in clause 20 omitting the words “, Timber Reserves or National Parks or in waters adjacent to National Parks ” and substituting the words “ or Timber Reserves ”;
- (e) omitting clause 21;
- (f) in clause 26 omitting the words “, Forest Entitlement Areas and National Parks ” and substituting the words “ and Forest Entitlement Areas ”.