

South Australia

National Parks and Wildlife (Co-management Boards) Regulations 2016

under the *National Parks and Wildlife Act 1972*

Contents

Part 1—Preliminary

- 1 Short title
- 3 Interpretation

Part 2—Co-management boards

- 3A Dhilba Guuranda-Innes National Park Co-management Board
- 4 Ikara-Flinders Ranges National Park Co-management Board
- 5 Kanku-Breakaways Conservation Park Co-management Board
- 6 Gawler Ranges Parks Co-management Board
- 7 Ngaut Ngaut Conservation Park Co-management Board
- 8 Vulkathunha-Gammon Ranges National Park Co-management Board
- 9 Witjira National Park Co-management Board
- 10 Yumbarra Conservation Park Co-management Board

Part 3—Procedures of co-management boards

- 11 Gender balance
- 12 Terms and conditions
- 13 Remuneration
- 14 Chairperson and deputy chairperson
- 15 Functions and powers of co-management boards
- 16 Procedures of co-management boards
- 17 Conflict of interest
- 18 Vacancies or defects in appointment of members
- 19 Delegations
- 20 Additional delegations—Ikara-Flinders Ranges National Park Co-management Board
- 21 Minister may call meetings
- 22 Control and management of parks during suspension of co-management board
- 23 Annual report

Schedule 1—Revocations and transitional provisions

Part 1—Revocation of regulations

- 1 Revocation of regulations

Part 2—Transitional provisions

- 2 Interpretation
- 3 References
- 4 Membership of co-management boards

5 Delegations

Legislative history

Part 1—Preliminary

1—Short title

These regulations may be cited as the *National Parks and Wildlife (Co-management Boards) Regulations 2016*.

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *National Parks and Wildlife Act 1972*;

Adnyamathanha person means a member of the Native Title Holders as defined in the determination of native title made by the Federal Court of Australia in the Adnyamathanha No. 2 Native Title Claim SAD 6002/98 on 30 March 2009;

AMYAC means the Antakirinja Matu-Yankunytjatjara Aboriginal Corporation incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* of the Commonwealth;

Antakirinja Matuntjara Yankunytjatjara person means a member of the Native Title Holders as defined in the determination of native title made by the Federal Court of Australia in Native Title Claim SAD 6007/98 on 11 May 2011;

ATLA means the Adnyamathanha Traditional Lands Association (Aboriginal Corporation) RNTBC incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* of the Commonwealth;

Far West Coast person means a member of the Native Title Holders as defined in the determination of native title made by the Federal Court of Australia in *Native Title Claim* SAD 6008 of 1998 on 5 December 2013;

FWCAC means the Far West Coast Aboriginal Corporation incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* of the Commonwealth;

Gawler Ranges Parks means the Gawler Ranges National Park and the Lake Gairdner National Park;

Gawler Ranges person means a member of the Native Title Holders as defined in the determination of native title made by the Federal Court of Australia in Native Title Claim SAD 6020/98 on 19 December 2011;

GRAC means the Gawler Ranges (Aboriginal Corporation) incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* of the Commonwealth;

IAC means the Irrwanyere Aboriginal Corporation incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* of the Commonwealth;

Lower Southern Arrernte person means a member of the native title claim group in the Eringa (SAD 6010/98), the Eringa No 2 (SAD 6002/99) or the Irranwanyere Mt Dare (SAD 66/05) native title claims;

MACAI means the Mannum Aboriginal Community Association Incorporated;

MACAI member means a person represented by Mannum Aboriginal Community Association Incorporated;

Narungga Nation person means a member of the native title claim group in the Narungga Nations No 1 (SAD 62/2013) native title claim;

NNAC means the Narungga Nation Aboriginal Corporation incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* of the Commonwealth;

park means a conservation park or national park in relation to which a co-management board is continued under these regulations;

relevant co-management agreement means—

- (a1) in relation to the Dhilba Guuranda-Innes National Park—the co-management agreement for that national park, as in force from time to time;
- (a) in relation to the Ikara-Flinders Ranges National Park—the co-management agreement for that national park, as in force from time to time;
- (ab) in relation to the Gawler Ranges Parks—the co-management agreement for the Gawler Ranges Parks, as in force from time to time;
- (b) in relation to the Kanku-Breakaways Conservation Park—the co-management agreement for that conservation park, as in force from time to time;
- (d) in relation to the Ngaut Ngaut Conservation Park—the co-management agreement for that conservation park, as in force from time to time;
- (e) in relation to the Vulkathunha-Gammon Ranges National Park—the co-management agreement for that national park, as in force from time to time;
- (f) in relation to the Witjira National Park—the co-management agreement for that national park, as in force from time to time;
- (g) in relation to the Yumbarra Conservation Park—the co-management agreement for that conservation park, as in force from time to time;

relevant co-management board means—

- (a1) in relation to the Dhilba Guuranda-Innes National Park—the Dhilba Guuranda-Innes National Park Co-management Board;
- (a) in relation to the Ikara-Flinders Ranges National Park—the Ikara-Flinders Ranges National Park Co-management Board;
- (ab) in relation to the Gawler Ranges Parks—the Gawler Ranges Parks Co-management Board;
- (b) in relation to the Kanku-Breakaways Conservation Park—the Kanku-Breakaways Conservation Park Co-management Board;
- (d) in relation to the Ngaut Ngaut Conservation Park—the Ngaut Ngaut Conservation Park Co-management Board;
- (e) in relation to the Vulkathunha-Gammon Ranges National Park—the Vulkathunha-Gammon Ranges National Park Co-management Board;

- (f) in relation to the Witjira National Park—the Witjira National Park Co-management Board;
- (g) in relation to the Yumbarra Conservation Park—the Yumbarra Conservation Park Co-management Board;

relevant nominating body means—

- (a1) in relation to the Dhilba Guuranda-Innes National Park Co-management Board—NNAC;
- (a) in relation to the Ikara-Flinders Ranges National Park Co-management Board—ATLA;
- (ab) in relation to the Gawler Ranges Parks—GRAC;
- (b) in relation to the Kan̄ku-Breakaways Conservation Park Co-management Board—AMYAC;
- (d) in relation to the Ngaut Ngaut Conservation Park Co-management Board—MACAI;
- (e) in relation to the Vulkathunha-Gammon Ranges National Park Co-management Board—ATLA;
- (f) in relation to the Witjira National Park Co-management Board—IAC;
- (g) in relation to the Yumbarra Conservation Park Co-management Board—FWCAC;

relevant park means—

- (a1) in relation to the Dhilba Guuranda-Innes National Park Co-management Board—Dhilba Guuranda-Innes National Park;
- (a) in relation to the Ikara-Flinders Ranges National Park Co-management Board—Ikara-Flinders Ranges National Park;
- (ab) in relation to the Gawler Ranges Parks—the Gawler Ranges National Park or the Lake Gairdner National Park (as the case requires);
- (b) in relation to the Kan̄ku-Breakaways Conservation Park Co-management Board—Kan̄ku-Breakaways Conservation Park;
- (d) in relation to the Ngaut Ngaut Conservation Park Co-management Board—Ngaut Ngaut Conservation Park;
- (e) in relation to the Vulkathunha-Gammon Ranges National Park Co-management Board—Vulkathunha-Gammon Ranges National Park;
- (f) in relation to the Witjira National Park Co-management Board—Witjira National Park;
- (g) in relation to the Yumbarra Conservation Park Co-management Board—Yumbarra Conservation Park;

Wangkangurru person means a member of the native title claim group in the Wangkangurru/Yarlulandi (SAD 6016/98) native title claim.

Part 2—Co-management boards

3A—Dhilba Guuranda-Innes National Park Co-management Board

- (1) The *Dhilba Guuranda-Innes National Park Co-management Board* is established as the co-management board for the Dhilba Guuranda-Innes National Park.
- (2) Subject to subregulation (3), the Dhilba Guuranda-Innes National Park Co-management Board consists of 8 members appointed by the Minister of whom—
 - (a) 4 must be Narungga Nation people appointed on the nomination of NNAC; and
 - (b) 3 must be officers of the Department, or of another administrative unit of the Public Service, nominated by the Director; and
 - (c) 1 must be a person nominated by the Minister who has qualifications or experience that may, in the opinion of the Minister, be of benefit to the board.
- (3) If NNAC refuses or fails to nominate a Narungga Nation person in relation to a particular office under subregulation (2)(a) the Minister may appoint a suitable Narungga Nation person to fill the office.
- (4) The Minister may appoint a person to be a deputy of a member of the board appointed under subregulation (2) and a person so appointed may act as a member of the board in the absence of the member.
- (5) A requirement or qualification specified by this regulation in relation to an appointment of a member of the board extends to an appointment of a deputy of that member.

4—Ikara-Flinders Ranges National Park Co-management Board

- (1) The *Ikara-Flinders Ranges National Park Co-management Board* continues as the co-management board for the Ikara-Flinders Ranges National Park.

Note—

The *Flinders Ranges National Park Co-management Board* was established as the co-management board for the park by the *National Parks and Wildlife (Flinders Ranges National Park) Regulations 2011*—see *Gazette 3.11.2011 p4414*.

The name of the park has been altered to Ikara-Flinders Ranges National Park—see *Gazette 19.11.2015 p4980* and the name of the co-management board is altered accordingly.

- (2) Subject to subregulation (3), the Ikara-Flinders Ranges National Park Co-management Board consists of 8 members appointed by the Minister of whom—
 - (a) 4 must be Adnyamathanha people appointed on the nomination of ATLA; and
 - (b) 3 must be officers of the Department; and
 - (c) 1 must be a person nominated by the Minister who has qualifications or experience that may, in the opinion of the Minister, be of benefit to the board.
- (3) If ATLA refuses or fails to nominate an Adnyamathanha person in relation to a particular office under subregulation (2)(a), the Minister may appoint a suitable Adnyamathanha person to fill the office.

- (4) The Minister may appoint a person to be a deputy of a member appointed under subregulation (2) and a person so appointed may act as a member of the board in the absence of the member.
- (5) A requirement or qualification specified by this regulation in relation to an appointment of a member extends to an appointment of a deputy of that member.

5—Kanku-Breakaways Conservation Park Co-management Board

- (1) The *Kanku-Breakaways Conservation Park Co-management Board* continues as the co-management board for the Kanku-Breakaways Conservation Park.

Note—

The *Breakaways Conservation Park Co-management Board* was established as the co-management board for the park by the *National Parks and Wildlife (Breakaways Conservation Park) Regulations 2013*—see *Gazette 1.8.2013 p3401*.

The name of the park has been altered to Kanku-Breakaways Conservation Park—see *Gazette 19.11.2015 p4979* and the name of the co-management board is altered accordingly.

- (2) Subject to subregulation (3), the Kanku-Breakaways Conservation Park Co-management Board consists of 7 members appointed by the Minister of whom—
 - (a) 4 must be Antakirinja Matuntjara Yankunytjatjara people appointed on the nomination of AMYAC; and
 - (b) 2 must be persons nominated by the District Council of Coober Pedy; and
 - (c) 1 must be an officer of the Department.
- (3) If AMYAC refuses or fails to nominate an Antakirinja Matuntjara Yankunytjatjara person in relation to a particular office under subregulation (2)(a), the Minister may appoint a suitable Antakirinja Matuntjara Yankunytjatjara person to fill the office.
- (4) The Minister may appoint a person to be a deputy of a member appointed under subregulation (2) and a person so appointed may act as a member of the board in the absence of the member.
- (5) A requirement or qualification specified by this regulation in relation to an appointment of a member extends to an appointment of a deputy of that member.

6—Gawler Ranges Parks Co-management Board

- (1) The *Lake Gairdner National Park Co-management Board* is dissolved.

Note—

The *Lake Gairdner National Park Co-management Board* was established as the co-management board for the park by the *National Parks and Wildlife (Lake Gairdner National Park) Regulations 2013*—see *Gazette 1.8.2013 p3417*.

The co-management agreement for the Lake Gairdner National Park has been terminated under section 43F(5) of the Act and replaced by the Gawler Ranges Parks co-management agreement.

- (1a) The *Gawler Ranges Parks Co-management Board* is established as the co-management board for the Gawler Ranges Parks.

- (2) Subject to subregulation (3), the *Gawler Ranges Parks Co-management Board* consists of 8 members appointed by the Minister of whom—
 - (a) 4 must be Gawler Ranges people appointed on the nomination of GRAC; and
 - (b) 3 must be officers of the Department, or of another administrative unit of the Public Service, nominated by the Director; and
 - (c) 1 must be a person nominated by the Minister who has qualifications or experience that may, in the opinion of the Minister, be of benefit to the board.
- (3) If GRAC refuses or fails to nominate a Gawler Ranges person in relation to a particular office under subregulation (2)(a), the Minister may appoint a suitable Gawler Ranges person to fill the office.
- (4) The Minister may appoint a person to be a deputy of a member appointed under subregulation (2) and a person so appointed may act as a member of the board in the absence of the member.
- (5) A requirement or qualification specified by this regulation in relation to an appointment of a member extends to an appointment of a deputy of that member.

7—Ngaut Ngaut Conservation Park Co-management Board

- (1) The *Ngaut Ngaut Conservation Park Co-management Board* continues as the co-management board for the Ngaut Ngaut Conservation Park.

Note—

The *Ngaut Ngaut Conservation Park Co-management Board* was established as the co-management board for the park by the *National Parks and Wildlife (Ngaut Ngaut Conservation Park) Regulations 2014*—see *Gazette 20.11.2014 p6483*.

- (2) Subject to subregulation (3), the Ngaut Ngaut Conservation Park Co-management Board consists of 6 members appointed by the Minister of whom—
 - (a) 3 must be MACAI members appointed on the nomination of MACAI; and
 - (b) 2 must be officers of the Department; and
 - (c) 1 must be a person nominated by the Minister who has qualifications or experience that may, in the opinion of the Minister, be of benefit to the board.
- (3) If MACAI refuses or fails to nominate a MACAI member in relation to a particular office under subregulation (2)(a), the Minister may appoint a suitable MACAI member to fill the office.
- (4) Despite any other provision of these regulations, during any period in which appointments of members to the board are not sufficient for the board to constitute a quorum at a meeting of the board, the Park is under the management of the Director.
- (5) The Minister may appoint a person to be a deputy of a member appointed under subregulation (2) and a person so appointed may act as a member of the board in the absence of the member.
- (6) A requirement or qualification specified by this regulation in relation to an appointment of a member extends to an appointment of a deputy of that member.

8—Vulkathunha-Gammon Ranges National Park Co-management Board

- (1) The *Vulkathunha-Gammon Ranges National Park Co-management Board* continues as the co-management board for the Vulkathunha-Gammon Ranges National Park.

Note—

The *Vulkathunha-Gammon Ranges National Park Co-management Board* was established as the co-management board for the park by the *National Parks and Wildlife (Vulkathunha-Gammon Ranges National Park) Regulations 2005*—see *Gazette 15.12.2005 p4364*.

- (2) Subject to subregulation (3), the Vulkathunha-Gammon Ranges National Park Co-management Board consists of 8 members appointed by the Minister of whom—
- (a) 4 must be Adnyamathanha people appointed on the nomination of ATLA; and
 - (b) 3 must be officers of the Department; and
 - (c) 1 must be a person nominated by the Minister who has qualifications or experience that may, in the opinion of the Minister, be of benefit to the board.
- (3) If ATLA refuses or fails to nominate an Adnyamathanha person in relation to a particular office under subregulation (2)(a), the Minister may appoint a suitable Adnyamathanha person to fill the office.
- (4) The Minister may appoint a person to be a deputy of a member appointed under subregulation (2) and a person so appointed may act as a member of the board in the absence of the member.
- (5) A requirement or qualification specified by this regulation in relation to an appointment of a member extends to an appointment of a deputy of that member.

9—Witjira National Park Co-management Board

- (1) The *Witjira National Park Co-management Board* continues as the co-management board for the Witjira National Park.

Note—

The *Witjira National Park Co-management Board* was established as the co-management board for the park by the *National Parks and Wildlife (Witjira National Park) Regulations 2011*—see *Gazette 16.8.2007 p3385*.

- (2) Subject to subregulation (3), the Witjira National Park Co-management Board consists of 7 members appointed by the Minister of whom—
- (a) 2 must be Lower Southern Arrernte people appointed on the nomination of IAC; and
 - (b) 2 must be Wangkangurru people appointed on the nomination of IAC; and
 - (c) 2 must be officers of the Department; and
 - (d) 1 must be a person nominated by the Minister who has qualifications or experience that may, in the opinion of the Minister, be of benefit to the board.
- (3) If IAC refuses or fails to nominate a Lower Southern Arrernte person in relation to a particular office under subregulation (2)(a), or a Wangkangurru person in relation to a particular office under subregulation (2)(b), the Minister may, after consultation with IAC, appoint a suitable Lower Southern Arrernte person or Wangkangurru person (as the case requires) to fill the office.

- (4) The Minister may appoint a person to be a deputy of a member appointed under subregulation (2) and a person so appointed may act as a member of the board in the absence of the member.
- (5) A requirement or qualification specified by this regulation in relation to an appointment of a member extends to an appointment of a deputy of that member.

10—Yumbarra Conservation Park Co-management Board

- (1) The *Yumbarra Conservation Park Co-management Board* continues as the co-management board for the Yumbarra Conservation Park.

Note—

The *Yumbarra Conservation Park Co-management Board* was established as the co-management board for the park by the *National Parks and Wildlife (Yumbarra Conservation Park) Regulations 2015*—see *Gazette 22.1.2015 p352*.

- (2) Subject to subregulation (3), the Yumbarra Conservation Park Co-management Board consists of 8 members appointed by the Minister of whom—
 - (a) 4 must be Far West Coast people appointed on the nomination of FWCAC; and
 - (b) 3 must be officers of the Department; and
 - (c) 1 must be a person nominated by the Minister who has qualifications or experience that may, in the opinion of the Minister, be of benefit to the board.
- (3) If FWCAC refuses or fails to nominate a Far West Coast person in relation to a particular office under subregulation (2)(a) the Minister may appoint a suitable Far West Coast person to fill the office.
- (4) The Minister may appoint a person to be a deputy of a member of the board appointed under subregulation (2) and a person so appointed may act as a member of the board in the absence of the member.
- (5) A requirement or qualification specified by this regulation in relation to an appointment of a member of the board extends to an appointment of a deputy of that member.

Part 3—Procedures of co-management boards

11—Gender balance

The following provisions apply in relation to the gender balance on co-management boards:

- (a) nominations and appointments to a co-management board should be made, as far as is reasonably practicable, in order to achieve a gender balance on each board;
- (b) the following co-management boards must have at least 1 female member, and at least 1 male member:
 - (i) the Ikara-Flinders Ranges National Park Co-management Board;
 - (ii) the Ngaut Ngaut Conservation Park Co-management Board;
 - (iii) the Witjira National Park Co-management Board.

12—Terms and conditions

- (1) A member of a co-management board will be appointed on conditions determined by the Minister and for a term not exceeding 4 years as specified in the instrument of appointment and, at the expiration of a term of appointment, is eligible for reappointment.
- (2) The Minister may remove a member of a co-management board from office—
 - (a) for breach of, or non-compliance with, a condition of appointment; or
 - (b) for misconduct; or
 - (c) for failure or incapacity to carry out official duties satisfactorily.
- (3) However, the Minister may only remove a member of a co-management board who is a member nominated by the relevant nominating body after consultation with the nominating body.
- (4) The office of a member of a co-management board becomes vacant if the member—
 - (a) dies; or
 - (b) completes a term of office and is not reappointed; or
 - (c) resigns by written notice to the Minister; or
 - (d) ceases to satisfy the qualification by virtue of which the member was eligible for appointment to the board; or
 - (e) is removed from office under subregulation (2).
- (5) If a casual vacancy occurs in the office of a member of a co-management board, the Minister may appoint a suitable person (including a person who was a deputy to a member) to fill the vacancy, and that person will hold office for the balance of the term of his or her predecessor.

13—Remuneration

A member of a co-management board (other than a member who is an officer of the Department or a member who is nominated by the Minister and is a member of the Public Service) is entitled to remuneration, allowances and expenses determined by the Minister.

14—Chairperson and deputy chairperson

The Minister must appoint 2 of the members of each co-management board as chairperson and deputy chairperson of the board respectively in accordance with any requirements in the co-management agreement.

15—Functions and powers of co-management boards

- (1) The functions of a co-management board are to carry out the functions assigned to it under the Act or by the co-management agreement or the Minister.
- (2) A co-management board has the power to do anything necessary, expedient or incidental to the performance of its functions.
- (3) Without limiting the generality of subregulation (2), a co-management board may enter into any form of contract, agreement or arrangement.

- (4) A co-management board for a park must perform its functions, and exercise its power, in a manner that is consistent with the co-management agreement.

16—Procedures of co-management boards

- (1) A co-management board must meet at least 2 times in each financial year.
- (2) A quorum of a co-management board consists of—
- (a1) in the case of the Dhillba Guuranda-Innes National Park Co-management Board—6 members (of whom at least 3 must be Narungga Nation people and at least 3 must be members appointed under regulation 3A(2)(b) or (c));
 - (a) in the case of the Ikara-Flinders Ranges National Park Co-management Board—6 members (of whom at least 3 must be Adnyamathanha people and at least 3 must be members nominated by the Minister or appointed as officers of the Department);
 - (ab) in the case of the Gawler Ranges Parks Co-management Board—6 members (of whom at least 3 must be Gawler Ranges people and at least 3 must be members appointed under regulation 6(2)(b) or (c));
 - (b) in the case of the Kan̄ku-Breakaways Conservation Park Co-management Board—5 members (of whom at least 3 must be Antakirinja Matuntjara Yankunytjatjara people nominated by AMYAC, at least 1 must be a member appointed as nominated by the District Council of Coober Pedy and 1 must be the member appointed as officer of the Department);
 - (d) in the case of the Ngaut Ngaut Conservation Park Co-management Board—4 members (of whom at least 2 must be MACAI members and at least 2 must be members nominated by the Minister or appointed as officers of the Department);
 - (e) in the case of the Vulkathunha-Gammon Ranges National Park Co-management Board—6 members (of whom at least 3 must be Adnyamathanha people and at least 3 must be members nominated by the Minister or appointed as officers of the Department);
 - (f) in the case of the Witjira National Park Co-management Board—5 members (of whom at least 3 must be Lower Southern Arrernte or Wangkangurru people and at least 2 must be members nominated by the Minister or appointed as officers of the Department);
 - (g) in the case of the Yumbarra Conservation Park Co-management Board—6 members (of whom at least 3 must be Far West Coast people and at least 3 must be members nominated by the Minister or appointed as officers of the Department).
- (3) A meeting of a co-management board will be chaired by the chairperson or, in the absence of the chairperson, by the deputy chairperson or, in the absence of both, the members present at a meeting of the board must choose 1 of their number to preside at the meeting.
- (4) Subject to this regulation, a decision carried by a majority of the votes cast by members of a co-management board at a meeting is a decision of the board.
- (5) Each member present at a meeting of a co-management board has 1 vote on any question arising for decision.

- (6) If a co-management board is unable to decide a question arising for decision, the question must be referred to the Minister for decision (and the decision of the Minister will be taken to be a decision of the board).
- (7) The following provisions apply in relation to a decision of the Minister under subregulation (6):
 - (a) the Minister must have regard to any written submission made by the relevant nominating body that is received by the Minister not more than 30 days after the date of the meeting at which the co-management board was unable to decide the question;
 - (b) the Minister must, in the case of the Witjira National Park Co-management Board, have regard to any submission made by a member appointed on the nomination of IAC;
 - (c) the Minister may have regard to any other matter the Minister thinks fit.
- (8) The Minister may direct a co-management board to implement, or cause to be implemented, a decision of the Minister under subregulation (6).
- (9) A conference by telephone or other electronic means between the members of a co-management board will, for the purposes of this regulation, be taken to be a meeting of the board at which the participating members are present if—
 - (a) notice of the conference is given to all members in the manner determined by the board for the purpose; and
 - (b) each participating member is capable of communicating with every other participating member during the conference.
- (10) A proposed resolution of a co-management board becomes a valid decision of the board despite the fact that it is not voted on at a meeting of the board if—
 - (a) notice of the proposed resolution is given to all members of the board in accordance with procedures determined by the board; and
 - (b) a quorum of the board (as specified, for each board, in subregulation (2)) expresses concurrence in the proposed resolution by letter, fax, email or other written communication setting out the terms of the resolution.
- (11) A co-management board must have accurate minutes kept of its meetings.
- (12) Subject to these regulations, a co-management board may determine its own procedures.

17—Conflict of interest

- (1) A member of a co-management board who has a direct or indirect personal or pecuniary interest in a matter decided or under consideration by the board—
 - (a) must, as soon as reasonably practicable, disclose in writing to the board full and accurate details of the interest; and
 - (b) must not take part in any discussion by the board relating to that matter; and
 - (c) must not vote in relation to that matter; and

- (d) must be absent from the meeting room when any such discussion or voting is taking place.

Maximum penalty: \$2 000.

- (2) This regulation does not apply to a member of a co-management board—
 - (a) in respect of an interest that is shared in common with the traditional owners of the relevant park generally, or a substantial section of such traditional owners; and
 - (b) in relation to a matter in which the member has an interest while the member remains unaware that he or she has an interest in the matter (but in any proceedings against the member the burden will lie on the member to prove that he or she was not, at the material time, aware of his or her interest).
- (3) The Minister may, by notice in the Gazette, exempt a member of a co-management board (conditionally or unconditionally) from the application of a provision of this regulation, and may, by further notice in the Gazette, vary or revoke such an exemption.
- (4) Non-compliance by a member of a co-management board with a duty imposed by this regulation constitutes a ground for removal of the member from office.
- (5) If a member or former member of a co-management board is convicted of an offence against this regulation, the court by which the person is convicted may, in addition to imposing a penalty, order the convicted person to pay to the Minister—
 - (a) if the court is satisfied that the person or any other person made a profit as a result of the offence—an amount equal to the profit; and
 - (b) if the court is satisfied that any loss or damage has been suffered as a result of the offence—compensation for the loss or damage.
- (6) If a member or former member of a co-management board has committed an offence against this regulation (whether or not proceedings have been brought for the offence), the Minister may recover from the person by action in a court of competent jurisdiction—
 - (a) if the person or any other person made a profit as a result of the offence—an amount equal to the profit; and
 - (b) if any loss or damage has been suffered as a result of the offence—compensation for the loss or damage.

18—Vacancies or defects in appointment of members

An act or proceeding of a co-management board is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

19—Delegations

- (1) Subject to regulation 20, a co-management board may delegate any of its functions or powers (other than this power of delegation)—
 - (a) to a member of the board; or
 - (ab) to the Minister; or
 - (b) to an officer of the Department; or

- (c) in addition, in the case of the Kanku-Breakaways Conservation Park Co-management Board—to the District Council of Coober Pedy or an employee of the District Council of Coober Pedy.

Note—

Note that the Ikara-Flinders Ranges National Park Co-management Board has additional delegation powers under regulation 20.

- (2) A delegation—
 - (a) must be in writing; and
 - (b) may be made subject to conditions and limitations specified in the instrument of delegation; and
 - (c) is revocable at will and does not derogate from the power of the board to act in a matter.
- (3) A delegated function or power may, if the instrument of delegation so provides, be further delegated.

20—Additional delegations—Ikara-Flinders Ranges National Park Co-management Board

- (1) The following additional delegation powers apply in relation to the Ikara-Flinders Ranges National Park Co-management Board:
 - (a) the Ikara-Flinders Ranges National Park Co-management Board may, in accordance with the relevant co-management agreement—
 - (i) delegate to the Minister, or a person or body nominated by the Minister, the powers specified in clause 5 of the co-management agreement;
 - (ii) delegate the powers (if any) specified in Schedule 4 of the co-management agreement;
 - (b) a delegation under paragraph (a)(i)—
 - (i) must be in writing; and
 - (ii) is subject to the conditions or limitations (if any) specified in clause 5 of the co-management agreement but must not be made subject to any other conditions or limitations; and
 - (iii) subject to subparagraph (iv), is not revocable; and
 - (iv) will by force of this regulation be revoked—
 - (A) on the Lease or the Contract for Services Agreement ceasing to be in force for any reason; or
 - (B) on the expiry of the Resort Term;
 - (c) while a delegation under paragraph (a)(i) is in force, the board must not exercise or purport to exercise a power the subject of the delegation;
 - (d) a delegation under paragraph (a)(ii)—
 - (i) must be in writing; and

- (ii) is subject to the conditions or limitations (if any) specified in the co-management agreement relating to such a delegation; and
 - (iii) may be made subject to any other conditions and limitations specified in the instrument of delegation; and
 - (iv) does not derogate from the power of the board to act in a matter; and
 - (v) is not revocable.
- (2) In this regulation—
- Contract for Services Agreement, Lease* and *Resort Term* have the same meanings as in the relevant co-management agreement.

21—Minister may call meetings

- (1) The Minister may call a meeting of a co-management board—
- (a) if 2 or more successive meetings of the board are inquorate; or
 - (b) if the chairperson of the board refuses or fails to call a meeting of the board—
 - (i) in the case of the Yumbarra Conservation Park Co-management Board—within 8 months after the previous meeting; or
 - (ii) in the case of the Ngaut Ngaut Conservation Park Co-management Board—within 6 months after the previous meeting; or
 - (iii) in any other case—within 4 months after the previous meeting.
- (2) The Minister may direct members to attend a meeting of a co-management board called under subregulation (1).

22—Control and management of parks during suspension of co-management board

If a co-management board is under a period of suspension under section 43I of the Act—

- (a) the relevant park will be under the control of the Minister and under the management of the Director during that period; and
- (b) the Minister and the Director must endeavour, where appropriate, to give effect to the objects set out in section 43E of the Act during that period.

23—Annual report

For the purposes of section 43L of the Act, the annual report of the co-management board for a park must include the following:

- (a) information relating to traditional hunting activities in the park carried out in accordance with section 68D of the Act;
- (b) information relating to the effect of traditional hunting activities in the park carried out in accordance with section 68D of the Act on native plants and protected animals or the eggs of protected animals (in particular endangered species, vulnerable species and rare species);
- (c) information relating to the operations and work programs undertaken by or on behalf of the board;

- (d) information relating to park infrastructure;
- (e) any other information required by the Minister.

Schedule 1—Revocations and transitional provisions

Part 1—Revocation of regulations

1—Revocation of regulations

The following regulations are revoked:

- (a) the *National Parks and Wildlife (Flinders Ranges National Park) Regulations 2011*;
- (b) the *National Parks and Wildlife (Lake Gairdner National Park) Regulations 2013*;
- (c) the *National Parks and Wildlife (Ngaut Ngaut Conservation Park) Regulations 2014*;
- (d) the *National Parks and Wildlife (Vulkathunha—Gammon Ranges National Park) Regulations 2005*;
- (e) the *National Parks and Wildlife (Witjira National Park) Regulations 2007*;
- (f) the *National Parks and Wildlife (Yumbarra Conservation Park) Regulations 2015*.

Part 2—Transitional provisions

2—Interpretation

In this Part—

revoked regulations means the regulations revoked under Part 1 of this Schedule.

3—References

A reference in a contract, lease, licence or other document in force immediately before the commencement of this Part to any of the revoked regulations, or a provision of any of the revoked regulations will, on that commencement, be taken to be a reference to these regulations, or the corresponding provision or provisions of these regulations.

4—Membership of co-management boards

A member of a co-management board holding office under the revoked regulations immediately before the commencement of this clause will, on that commencement, continue in office under these regulations for the balance of his or her term of office.

5—Delegations

Without limiting section 15 of the *Acts Interpretation Act 1915*, a delegation in force under the revoked regulations immediately before the commencement of this Part will, on that commencement, be taken to be a delegation under these regulations.

Legislative history

Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Legislation revoked by principal regulations

The *National Parks and Wildlife (Co-management Boards) Regulations 2016* revoked the following:

National Parks and Wildlife (Flinders Ranges National Park) Regulations 2011

National Parks and Wildlife (Lake Gairdner National Park) Regulations 2013

National Parks and Wildlife (Ngaut Ngaut Conservation Park) Regulations 2014

National Parks and Wildlife (Vulkathunha—Gammon Ranges National Park) Regulations 2005

National Parks and Wildlife (Witjira National Park) Regulations 2007

National Parks and Wildlife (Yumbarra Conservation Park) Regulations 2015

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2016	230	<i>Gazette 22.9.2016 p3854</i>	22.1.2017: r 2
2020	290	<i>Gazette 5.11.2020 p4971</i>	5.11.2020: r 2
2021	187	<i>Gazette 16.12.2021 p4414</i>	16.12.2021: r 2

Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
r 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>5.11.2020</i>
r 3	Gawler Ranges Parks	16.12.2021
	inserted by 187/2021 r 4(1)	

National Parks and Wildlife (Co-management Boards) Regulations 2016—16.12.2021

Legislative history

Narungga Nation person	inserted by 290/2020 r 4(1)	5.11.2020
NNAC	inserted by 290/2020 r 4(1)	5.11.2020
relevant co-management agreement	varied by 290/2020 r 4(2)	5.11.2020
	varied by 187/2021 r 4(2)	16.12.2021
	(c) deleted by 187/2021 r 4(3)	16.12.2021
relevant co-management board	varied by 290/2020 r 4(3)	5.11.2020
	varied by 187/2021 r 4(4)	16.12.2021
	(c) deleted by 187/2021 r 4(5)	16.12.2021
relevant nominating body	varied by 290/2020 r 4(4)	5.11.2020
	varied by 187/2021 r 4(6)	16.12.2021
	(c) deleted by 187/2021 r 4(7)	16.12.2021
relevant park	varied by 290/2020 r 4(5)	5.11.2020
	varied by 187/2021 r 4(8)	16.12.2021
	(c) deleted by 187/2021 r 4(9)	16.12.2021
Pt 2		
heading	substituted by 290/2020 r 5	5.11.2020
r 3A	inserted by 290/2020 r 6	5.11.2020
r 6		
r 6(1)	substituted by 187/2021 r 5(1)	16.12.2021
	the variation of r 6(1) purportedly made by 187/2021 r 5(2) is of no effect due to prior variation	
r 6(1a)	inserted by 187/2021 r 5(1)	16.12.2021
r 6(2)	varied by 187/2021 r 5(3), (4)	16.12.2021
Pt 3		
r 16		
r 16(2)	varied by 290/2020 r 7	5.11.2020
	varied by 187/2021 r 6(1)	16.12.2021
	(c) deleted by 187/2021 r 6(2)	16.12.2021
r 19		
r 19(1)	varied by 290/2020 r 8	5.11.2020

Historical versions

5.11.2020