

South Australia

National Parks and Wildlife (Wombat Burrows) Amendment Act 2023

An Act to amend the *National Parks and Wildlife Act 1972*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *National Parks and Wildlife (Wombat Burrows) Amendment Act 2023*.

Part 2—Amendment of *National Parks and Wildlife Act 1972*

2—Insertion of section 68AA

After section 68 insert:

68AA—Prohibition on destroying, damaging or disturbing wombat burrow

(1) Subject to subsection (3), a person must not, without a permit granted by the Minister, destroy, damage or disturb the burrow of a wombat.

Maximum penalty: \$5 000 or imprisonment for 12 months.

(2) It is a defence to a charge of an offence against subsection (1) for the defendant to prove that the defendant exercised such precautions as the defendant might reasonably be expected to have exercised in the circumstances to avoid destroying, damaging or disturbing the burrow.

- (3) A person does not require a permit under subsection (1) if—
- (a) the burrow is outside a Wombat Burrow Protection Zone;
and
 - (b) the person is—
 - (i) the owner of the land where the burrow is located;
or
 - (ii) authorised to destroy, damage or disturb (as the case requires) the burrow by the owner of the land where the burrow is located; and
 - (c) the burrow is causing, or is likely to cause, damage to crops, stock, machinery or infrastructure (including tracks and built structures) or may constitute a safety risk or hazard to people.
- (4) Where a permit is granted for the purposes of this section, no further authorisation or permission for the destruction, damage or disturbance of the burrow is required pursuant to any other Act or law.
- (5) This section is in addition to, and does not derogate from, any other provision of this Act or any other Act or law relating to the taking or harming of, or interference with, animals.
- (6) In this section—
- wombat** means an animal of the species *Vombatus ursinus* or *Lasiorchinus latifrons*;
- Wombat Burrow Protection Zone** means an area declared by the Minister by notice in the Gazette to be a Wombat Burrow Protection Zone for the purposes of this section.