

South Australia

# **National Parks and Wildlife (National Parks) (Palaeontological and Geological Sites) Amendment Regulations 2023**

under the *National Parks and Wildlife Act 1972*

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## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *National Parks and Wildlife (National Parks) (Palaeontological and Geological Sites) Amendment Regulations 2023*.

### **2—Commencement**

These regulations come into operation 4 months after the day on which they are made (see *Legislative Instruments Act 1978* section 10AA).

## Part 2—Amendment of *National Parks and Wildlife (National Parks) Regulations 2016*

### 3—Insertion of regulation 30A

After regulation 30 insert:

#### 30A—Palaeontological and geological sites

- (1) If, in the opinion of the relevant authority, it is necessary or desirable in order to protect a site of palaeontological or geological significance in a reserve, the relevant authority may, by notice in the Gazette, declare the site to be a site of palaeontological or geological significance.
- (2) A notice under subregulation (1) may—
  - (a) prohibit or restrict access to the whole or part of the site; or
  - (b) specify other conditions relating to the use, preservation or protection of the site.
- (3) A person must not, without the permission of the relevant authority or other lawful authority, contravene or fail to comply with a prohibition, restriction or other condition in a notice under subregulation (1).
- (4) A person must not, without the permission of the relevant authority or other lawful authority—
  - (a) destroy, damage or interfere with a palaeontological or geological site (whether directly or indirectly); or
  - (b) remove a fossil, fossiliferous material, soil, rock, mineral or similar material from a palaeontological or geological site.
- (5) In this regulation—

*palaeontological or geological site* means a site that is the subject of a declaration under subregulation (1).

### 4—Substitution of regulation 41

Regulation 41—delete the regulation and substitute:

#### 41—Prescription of offences—section 73A

For the purposes of the definition of *prescribed offence* in section 73A(1) of the Act, an offence against regulation 42 that arises from a contravention of, or failure to comply with, 1 or more of the following provisions is prescribed:

- (a) regulation 6(1);
- (b) regulation 7(4);
- (c) regulation 10(1), (2), (3), (4), (6) or (7);
- (d) regulation 11(1) or (2);

- (e) regulation 14;
- (f) regulation 30A(3) or (4).

### **5—Amendment of regulation 42—General offence**

- (1) Regulation 42(1), penalty provision—delete the penalty provision and substitute:

Maximum penalty:

- (a) in the case of regulation 30A(3) or (4)—\$75 000;
  - (b) in any other case—\$1 000.
- (2) Regulation 42(1), expiation fee—before paragraph (a) insert:
- (a1) in the case of an alleged contravention of, or failure to comply with, regulation 30A(3) or (4)—\$1 500;

### **6—Repeal of Schedule 1**

Schedule 1—delete the Schedule

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 26 May 2023

No 51 of 2023