

**SOUTH AUSTRALIA**

**NATIONAL PARKS AND WILDLIFE ACT, 1972**

*This Act is reprinted pursuant to the Acts Republication Act, 1967, and incorporates all amendments in force as at 11 July 1988.*

*The Commissioner of Statute Revision is authorized by the Acts Republication Act, 1967, to make textual alterations of various kinds to an Act in preparing it for reprint. These alterations do not affect the substantive law. A report has been prepared containing a comprehensive list of textual alterations made under the Acts Republication Act, 1967, in the preparation of this reprint. Copies of the report are available, on request, from the office of the Commissioner of Statute Revision, 11th Floor, S.G.I.C. Building, Victoria Square, Adelaide.*

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# NATIONAL PARKS AND WILDLIFE ACT, 1972

being

National Parks and Wildlife Act, 1972, No. 56 of 1972  
[Assented to 27 April 1972]<sup>1</sup>

as amended by

National Parks and Wildlife Act Amendment Act, 1974, No. 130 of 1974 [Assented to 12 December 1974]<sup>2</sup>;  
National Parks and Wildlife Act Amendment Act, 1978, No. 35 of 1978 [Assented to 6 April 1978]<sup>3</sup>;  
National Parks and Wildlife Act Amendment Act (No. 2), 1978, No. 100 of 1978 [Assented to 7 December 1978]<sup>4</sup>;  
National Parks and Wildlife Act Amendment Act, 1981, No. 19 of 1981 [Assented to 19 March 1981]<sup>5</sup>;  
National Parks and Wildlife Act Amendment Act (No. 2), 1981, No. 54 of 1981 [Assented to 25 June 1981];  
National Parks and Wildlife Act Amendment Act, 1987, No. 94 of 1987 [Assented to 17 December 1987]<sup>6</sup>.

NOTE: Asterisks indicate repeal or deletion of text. For further explanation see Appendix.

**An Act to provide for the establishment and management of reserves for public benefit and enjoyment; to provide for the conservation of wildlife in a natural environment; and for other purposes.**

The Parliament of South Australia enacts as follows:

## PART I PRELIMINARY

### Short title

1. This Act may be cited as the *National Parks and Wildlife Act, 1972*.

\* \* \* \* \*  
\* \* \* \* \*  
\* \* \* \* \*

### Interpretation

5. In this Act, unless the contrary intention appears—

\* \* \* \* \*

“aircraft” includes a glider or balloon capable of carrying a person:

“animal” includes any species of animal:

\* \* \* \* \*

<sup>1</sup> Came into operation 3 July 1972: *Gaz.* 29 June 1972, p. 2689.

<sup>2</sup> Came into operation 1 February 1975: *Gaz.* 30 January 1975, p. 341.

<sup>3</sup> Came into operation 8 June 1978: *Gaz.* 8 June 1978, p. 1973.

<sup>4</sup> Came into operation 14 August 1980: *Gaz.* 14 August 1980, p. 528.

<sup>5</sup> Came into operation 2 April 1981: *Gaz.* 2 April 1981, p. 1017.

<sup>6</sup> Came into operation (except ss. 29, 30, 32 and 37) 17 December 1987: *Gaz.* 17 December 1987, p. 1851; remainder of Act came into operation 1 July 1988: *Gaz.* 23 June 1988, p. 1983.

“carcass” of an animal means the whole or any part of—

- (a) the flesh or internal organs of the animal;
  - (b) the feathers, wool, hair, skin or hide of the animal;
- or
- (c) the bones, horns or hooves of the animal:

“the Chief Executive Officer” means the person appointed to, or assigned to act in, the position of Chief Executive Officer of the Department:

“conservation park” means land constituted, and for the time being continuing, as a conservation park under Part III:

“controlled species” means a species of animal declared to be a controlled species pursuant to this Act:

“Crown land” means—

- (a) unalienated land of the Crown;
- or
- (b) land held by a Minister, agent or instrumentality of the Crown on behalf of the Crown:

“day” means any period of 24 hours, commencing at midnight:

“the Department” means the Department of Environment and Planning:

“device” means any trap, net, snare or other device for taking or facilitating the taking of animals:

“the Director” means the person for the time being holding, or acting in, the office of, Director of National Parks and Wildlife:

“egg” includes any part of an egg or egg shell:

“endangered species” means a species of animal or plant referred to in schedule 7:

“firearm” includes any device from which any kind of shot, bullet, or other missile can be discharged:

“forest reserve” means a forest reserve within the meaning of the *Forestry Act, 1950*:

“game reserve” means land constituted, and for the time being continuing, as a game reserve under Part III:

“land” includes waters:

“land under the jurisdiction of the Minister of Marine” means land that is under the jurisdiction of the Minister of Marine within the meaning of the *Harbors Act, 1936*:

“mining production tenement” means—

- (a) a mining lease, or a miscellaneous purposes licence, granted under the *Mining Act, 1971*;
- (b) a petroleum production licence, or pipeline licence, granted under the *Petroleum Act, 1940*;
- (c) a production licence, or pipeline licence, granted under the *Petroleum (Submerged Lands) Act, 1982*:

“mining tenement” means a mineral claim, lease, licence, permit or other authority granted under the *Mining Act, 1971*, the *Petroleum Act, 1940*, or the *Petroleum (Submerged Lands) Act, 1982*:

\* \* \* \* \*

“minor alterations or additions to a public road” means alterations or additions by way of realignment or reforming of a public road that are desirable in the interests of safety:

“national park” means land constituted, and for the time being continuing, as a national park under Part III:

“native plant” means any plant that is indigenous to Australia and includes any plant of a species declared by regulation to be a native plant:

“owner” in relation to land, means the holder of any estate or interest in the land, and includes—

(a) the occupier of the land;

or

(b) a person to whom the care, control and management of the land has been committed:

\* \* \* \* \*

“plant” means vegetation of any species including—

(a) its flowers;

(b) its seeds;

or

(c) any other part of the vegetation:

“premises” includes vacant land:

“private land” means any land except Crown land:

“prohibited species” means a species of animal declared to be a prohibited species pursuant to this Act:

“protected animal” means—

(a) any mammal, bird or reptile indigenous to Australia;

(b) any migratory mammal, bird or reptile that periodically or occasionally migrates to, and lives in, Australia;

(c) any animal of a species referred to in schedule 7, 8 or 9;

or

(d) any animal of a species declared by regulation to be a species of protected animals,

but does not include animals of the species referred to in schedule 10 or any animals declared by regulation to be unprotected:

\* \* \* \* \*

\* \* \* \* \*

“public road” means a road—

(a) to which the public has access;

and

(b) which is under the control of the Commissioner of Highways or a council constituted under the *Local Government Act, 1934*:

“rare species” means a species of animal or plant referred to in schedule 9:

“recreation park” means land constituted, and for the time being continuing, as a recreation park under Part III:

“the repealed Fauna and Flora Reserve Act” means the *Fauna and Flora Reserve Act, 1919*, repealed by this Act:

“the repealed National Parks Act” means the *National Parks Act, 1966*, repealed by this Act:

“reserve” means any national park, conservation park, game reserve, recreation park or regional reserve constituted under this Act:

“the Reserves Advisory Committee” or “the Committee” means the Reserves Advisory Committee constituted under Part II:

“sell” means—

(a) sell, barter or exchange;

(b) agree or offer to sell, barter or exchange;

(c) receive, expose, store, have in possession, send, consign or deliver for or in pursuance of sale, barter or exchange,

and “sale” has a corresponding meaning:

“take”—

(a) with reference to an animal, includes any act of hunting, catching, restraining, killing or injuring, and any act of attempting or assisting to hunt, catch, restrain, kill or injure;

and

(b) with reference to a plant means—

(i) to remove the plant or part of the plant, from the place in which it is growing;

or

(ii) to damage the plant:

\* \* \* \* \*

“to hunt” means to take any mammal or bird that has not been domesticated or brought into captivity:

“vehicle” includes—

(a) a caravan or trailer;

(b) an aircraft;

(c) a ship, boat or vessel:

“vulnerable species” means a species of animal or plant referred to in schedule 8:

“warden” means a person for the time being holding the office of warden under this Act:

\* \* \* \* \*

“wildlife” means all native plants and animals indigenous to Australia existing apart from cultivation or domestication.

## PART II

### ADMINISTRATION

#### DIVISION I—GENERAL ADMINISTRATIVE POWERS

##### Constitution of Minister as a corporation sole

6. (1) The Minister is a corporation sole.

(2) The Minister is, in that corporate capacity, capable of acquiring, holding and disposing of real and personal property and of performing any other acts that lie within the capacity of a person of full age and capacity.

(3) In any legal proceedings a document apparently bearing the signature or the common seal of the Minister will, in the absence of evidence to the contrary, be taken to have been duly executed by the Minister.

\* \* \* \* \*

##### Power of acquisition

9. (1) The Minister may, subject to and in accordance with the *Land Acquisition Act, 1969*, acquire land for the purposes of this Act.

(2) Where a notice of intention to acquire land has been served, a person who wilfully damages the land or destroys or harms wildlife on the land is guilty of an offence.

Penalty: \$5 000 or imprisonment for 12 months.

(3) Where the Minister has reasonable cause to suspect that a person may act in contravention of subsection (2), the Minister may authorize a warden to enter upon the land and to exercise such force as may be necessary or expedient to prevent the commission of an offence under that subsection.

(4) A warden authorized under subsection (3) may enter upon the land and use such force as may be necessary or expedient to prevent the commission of an offence under this section.

##### Research and investigations

10. (1) The Minister may—

(a) cause research to be carried out into problems relating to the conservation of wildlife;

(b) collaborate with any other person, body or authority in the conduct of any such research;

or

(c) cause an investigation to be made into the possibility of establishing further reserves or adding to existing reserves.

(2) The Minister may make available to the public the results of any research or investigation conducted under this section.

**Wildlife Conservation Fund**

11. (1) The *Wildlife Conservation Fund* is established.
- (2) The fund consists of—
- (a) money derived by the Minister from any donation or grant made for the purposes of the fund;
  - (b) money provided by Parliament for the purposes of the fund;
  - (c) money arising from any sale that the Minister is authorized to make in pursuance of powers conferred by this Act;
- and
- (d) fees paid for permits under Part VA.
- (3) The Minister may apply any portion of the fund towards—
- (a) the conservation of wildlife, and land constituting the natural environment or habitat of wildlife, in such manner as the Minister may, upon the recommendation of the Reserves Advisory Committee, determine;
- and
- (b) the promotion of research into problems relating to the conservation of wildlife.

**Delegation**

12. (1) The Minister may delegate to the Chief Executive Officer, the Director or any other person any of the Minister's powers under this Act.
- (2) The Chief Executive Officer may, with the Minister's consent, delegate to the Director or any other person any of the powers delegated to the Chief Executive Officer.
- (3) The Director may, with the consent of the person who has delegated powers to the Director under this section, delegate any of those powers to another person.
- (4) A delegation under this section may be expressed as a delegation to the person from time to time holding, or performing the duties of, a specified position in the Public Service of the State.
- (5) A delegation under this section may be revoked at will by the delegator and does not prevent the exercise of any power by the delegator.

**Assessment of schedules to be included in the report**

13. In every second year the report prepared for the purposes of section 8 of the *Government Management and Employment Act, 1985*, by the Department must include an assessment of the desirability of amending schedules 7, 8, 9 or 10.

**Minister of Mines and Energy not to administer this Act**

14. The Minister responsible for the administration of the *Mining Act, 1971*, the *Petroleum Act, 1940*, or the *Petroleum (Submerged Lands) Act, 1982*, must not assume responsibility for the administration of this Act.

**DIVISION II—THE RESERVES ADVISORY COMMITTEE****Establishment of Committee**

15. (1) The *Reserves Advisory Committee* is established.
- (2) The Committee consists of five members appointed by the Governor.
- (3) The Governor may appoint a suitable person to be a deputy of a member of the Committee and such a person may, in the absence of the member, act as a member of the Committee.
- (4) One of the members of the Committee will be appointed by the Governor to be chairman of the Committee.

**Conditions of office**

16. (1) Subject to this Act, a member of the Committee holds office for a term, not exceeding two years, specified in the instrument of appointment and, upon the expiration of a term of office, is eligible for reappointment.

(2) The Governor may remove a member of the Committee from office for—

(a) mental or physical incapacity;

(b) neglect of duty;

or

(c) dishonourable conduct.

(3) The office of a member of the Committee becomes vacant if the member—

(a) dies;

(b) completes a term of office and is not reappointed;

(c) resigns by written notice addressed to the Minister;

or

(d) is removed from office by the Governor under subsection (2).

(4) Upon the office of a member of the Committee becoming vacant, a person will be appointed by the Governor to the vacant office.

**Quorum, etc.**

17. (1) Three members of the Committee constitute a quorum of the Committee and no business may be conducted by the Committee unless a quorum is present.

(2) A decision carried by a majority of the votes cast by the members present at a meeting of the Committee is a decision of the Committee.

(3) Each member present at a meeting of the Committee has one vote on any matter arising for decision at that meeting and, in the event of an equality of votes, the person presiding at that meeting has a second or casting vote.

(4) The chairman, if present at a meeting of the Committee, must preside at that meeting and in the absence of the chairman from a meeting of the Committee, the members present must elect one of their number to preside at that meeting.

(5) Subject to this Act, the business of the Committee will be conducted in such manner as the Committee determines.

**Allowances and expenses**

18. The members of the Committee are entitled to receive such allowances and expenses as may be determined by the Minister.

**Functions of the Committee**

19. The functions of the Committee are as follows:

(a) to make recommendations to the Minister relating to the expenditure of money from the Wildlife Conservation Fund;

(b) to give advice to the Minister, in relation to the preparation or amendment of plans of management under Division V of Part III;

(c) to investigate and advise the Minister on any matter that the Minister refers to it for advice or on which it believes it should advise the Minister;

and

(d) to exercise any other functions assigned to the Committee by or under this Act.

### DIVISION III—APPOINTMENT AND POWERS OF WARDENS

#### Appointment of wardens

20. (1) The Minister may, by instrument in writing, appoint any person who has prescribed qualifications to be a warden under this Act.

(2) A warden will be appointed for a term specified in the instrument of appointment.

(3) The Minister may, in the instrument of appointment, authorize the warden to exercise his or her powers in respect of the whole, or any specified portion, of the State.

(4) Where the authority of a warden is limited by the instrument of appointment to any specified portion of the State, the powers conferred on the warden under this Act are exercisable only within that portion of the State.

(5) Every member of the police force is, while holding office as such, a warden competent to exercise powers as such in any part of the State.

(6) A warden must, while acting as such, carry an identity card issued by the Minister or, if the warden is a member of the police force, the member's warrant card, and the warden must produce the card for inspection by the person against whom the warden proposes to exercise any of the powers conferred by this Act.

#### Assistance to warden

21. (1) A warden may request any suitable person to assist the warden in the exercise of powers under this Act.

(2) A person, while assisting a warden in response to a request for assistance by the warden, has the powers of a warden.

#### Powers of entry and search

22. (1) If a warden suspects on reasonable grounds that an offence against this Act is being, or has been committed, the warden may—

(a) enter and search any premises or vehicle connected with the suspected offence;

(b) give directions to a person in, or in charge of, a vehicle to facilitate a search of the vehicle (including directions to stop the vehicle or to move it to a particular place);

(c) require the person suspected of having committed the offence to state his or her full name and usual place of residence;

(d) if the suspect is on a reserve—order him or her off the reserve for a stated period (not exceeding 24 hours).

(2) If a warden suspects on reasonable grounds that a person is about to commit an offence against this Act the warden may require the person to state his or her full name and usual place of residence.

(3) If a warden suspects on reasonable grounds that the name or place of residence stated pursuant to this section is false, the warden may require the person to produce evidence of his or her full name or usual place of residence.

(4) A warden may—

(a) enter and inspect premises—

(i) on which a protected animal is kept;

or

(ii) on which some other activity is carried on in pursuance of a permit under this Act;

(b) examine a protected animal kept on such premises;

(c) require any person carrying on an activity for which a permit is required under this Act to produce the permit for the warden's inspection.

(5) For the purpose of entering and searching premises or a vehicle, a warden may break into the premises or vehicle, or anything on the premises or in the vehicle, using so much force as is necessary for that purpose—

(a) if authorized by warrant under subsection (6);

or

(b) if the warden has reason to believe that urgent action is necessary in the circumstances of the particular case.

(6) A justice may, if satisfied on the application of a warden that there is proper ground for the issue of a warrant, issue a warrant authorizing the warden to break into and search premises or a vehicle or anything on premises or in a vehicle.

(7) A person who contravenes, or fails to comply with, a direction, requirement or order of a warden under this section is guilty of an offence.

Penalty: \$1 000.

#### Forfeiture

23. (1) An object is liable to confiscation under this section if—

(a) it has been used in the commission, or is likely to be used in the commission, of an offence against this Act;

(b) it furnishes evidence of the commission of an offence against this Act;

or

(c) where the object is an animal, carcass, egg or plant—

(i) it has been taken in contravention of this Act;

or

(ii) it is, or has been, in the possession of a person in contravention of this Act.

(2) A vehicle is liable to confiscation under subsection (1) only in relation to an offence that is punishable by imprisonment.

(3) If a warden suspects on reasonable grounds that an object is liable to confiscation under this section, the warden may seize the object.

(4) Where an object is seized under subsection (3), the following provisions apply:

(a) if proceedings for an offence against this Act are not commenced against the owner of the object within three months of the date of seizure, the object must be returned to the owner;

- (b) if proceedings for an offence against this Act are commenced against the owner within three months of the date of seizure and the owner is, in the course of those proceedings, convicted of such an offence—
- (i) the court may order that the object be forfeited to the Crown;
  - and
  - (ii) where the object is an animal, carcass, egg or plant and the prosecutor applies for its forfeiture—the court must order that the object be forfeited to the Crown;
- (c) if the owner is not convicted or the court does not make an order for forfeiture, the object must be returned to the owner;
- (d) an object forfeited to the Crown may be sold or disposed of as the Minister thinks fit and the proceeds of sale must be paid into the Wildlife Conservation Fund.
- (5) Notwithstanding subsection (4)—
- (a) where a living animal is seized under this section, a warden may release it from captivity;
  - (b) if the Minister is unable, after reasonable inquiry, to ascertain the whereabouts of a person to whom an object is to be returned under subsection (4), the object may be sold or disposed of as the Minister thinks fit and, if sold, the proceeds of sale must be paid into the Wildlife Conservation Fund.
- (6) In this section—
- “convicted” includes found guilty without a conviction being recorded:
- “object” includes—
- (a) an animal, carcass or egg;
  - (b) a plant;
  - (c) a vehicle;
  - (d) a cage or container;
  - (e) a firearm or device;
  - (f) a poison or other substance;
  - (g) a document or record:
- “owner” in relation to an object seized under this section means either or both of the following persons:
- (a) a person who has legal title to the object;
  - (b) a person who was, immediately before seizure of the object, legally in possession or control of the object.

#### **Hindering of wardens, etc.**

24. (1) A person must not hinder a warden, or a person assisting a warden, in the exercise of powers or functions under this Act.

Penalty: \$2 500.

(2) A person must not use abusive, threatening or insulting language to a warden, or a person assisting a warden, in the exercise of powers or functions under this Act.

Penalty: \$2 500.

(3) A person must not assault a warden, or a person assisting a warden, in the exercise of powers or functions under this Act.

Penalty: \$5 000 or imprisonment for 2 years.

**Power of arrest**

25. (1) A warden may, without warrant, arrest a person—

(a) who fails to comply with a direction, requirement or order of a warden under this Act;

or

(b) who hinders a warden in the exercise of powers or functions under this Act.

(2) Where a warden arrests a person under this section, the warden must, as soon as possible, take the person, or have the person taken, to the nearest police station at which facilities are continuously available for the care and custody of the person arrested.

**False representation**

26. A person must not, by words or conduct, falsely represent that he or she is a warden.

Penalty: \$2 000 or imprisonment for 3 months.

**Immunity from personal liability**

26a. (1) No personal liability attaches to a warden, or a person assisting a warden, for an act or omission in good faith and in the exercise or discharge, or purported exercise or discharge, of the powers or functions of a warden under this Act.

(2) A liability that would, but for subsection (1), lie against a warden or other person lies instead against the Crown.

**PART III****RESERVES AND SANCTUARIES****DIVISION I—NATIONAL PARKS****Constitution of national parks by statute**

27. (1) The areas declared in schedule 3 to be national parks are constituted national parks.

(2) The names assigned in schedule 3 to the national parks constituted under subsection (1) are, subject to this Division, the names of those national parks.

(3) The Governor may, by proclamation—

(a) abolish a national park constituted under this section;

(b) alter the boundaries of a national park constituted under this section;

or

(c) alter the name assigned to a national park under this section.

(4) A proclamation must not be made under subsection (3) (a) or (b) by virtue of which any land ceases to be, or to be included in, a national park except in pursuance of a resolution passed by both Houses of Parliament.

(5) Notice of a motion for a resolution under subsection (4) must be given at least 14 sitting days before the motion is passed.

**Constitution of national parks by proclamation**

28. (1) The Governor may, by proclamation—

(a) constitute as a national park any specified Crown land the Governor considers to be of national significance by reason of the wildlife or natural features of that land;

and

(b) assign a name to a national park so constituted.

(2) The Governor may, by subsequent proclamation—

(a) abolish a national park constituted under this section;

(b) alter the boundaries of a national park constituted under this section;

or

(c) alter the name of a national park constituted under this section.

(3) A proclamation must not be made under subsection (2)(a) or (b) by virtue of which any land ceases to be, or to be included in, a national park except in pursuance of a resolution passed by both Houses of Parliament.

(4) Notice of a motion for a resolution under subsection (3) must be given at least 14 sitting days before the motion is passed.

#### DIVISION II—CONSERVATION PARKS

##### Constitution of conservation parks by statute

29. (1) The areas declared in schedule 4 to be conservation parks are constituted conservation parks.

(2) The names assigned in schedule 4 to the conservation parks constituted under subsection (1) are, subject to this Division, the names of those conservation parks.

(3) The Governor may, by proclamation—

(a) abolish a conservation park constituted under this section;

(b) alter the boundaries of a conservation park constituted under this section;

or

(c) alter the name assigned to a conservation park under this section.

(4) A proclamation must not be made under subsection (3)(a) or (b) by virtue of which any land ceases to be, or to be included in, a conservation park, except in pursuance of a resolution passed by both Houses of Parliament.

(5) Notice of a motion for a resolution under subsection (4) must be given at least 14 sitting days before the motion is passed.

##### Constitution of conservation parks by proclamation

30. (1) The Governor may, by proclamation—

(a) constitute as a conservation park any specified Crown land that should, in the Governor's opinion, be protected or preserved for the purpose of conserving any wildlife or the natural or historic features of that land;

and

(b) assign a name to a conservation park so constituted.

(2) The Governor may, by subsequent proclamation—

(a) abolish a conservation park constituted under this section;

(b) alter the boundaries of a conservation park constituted under this section;

or

(c) alter the name of a conservation park constituted under this section.

(3) A proclamation must not be made under subsection (2)(a) or (b) by virtue of which any land ceases to be, or to be included in, a conservation park, except in pursuance of a resolution passed by both Houses of Parliament.

(4) Notice of a motion for a resolution under subsection (3) must be given at least 14 sitting days before the motion is passed.

#### DIVISION III—GAME RESERVES

##### **Constitution of game reserves by statute**

31. (1) The areas declared in schedule 5 to be game reserves are constituted game reserves.

(2) The names assigned in schedule 5 to the game reserves constituted under subsection (1) are, subject to this Division, the names of those game reserves.

(3) The Governor may, by proclamation—

(a) abolish a game reserve constituted under this section;

(b) alter the boundaries of a game reserve constituted under this section;

or

(c) alter the name of a game reserve constituted under this section.

(4) A proclamation must not be made under subsection (3)(a) or (b) by virtue of which any land ceases to be, or to be included in, a game reserve, except in pursuance of a resolution passed by both Houses of Parliament.

(5) Notice of motion for a resolution under subsection (4) must be given at least 14 sitting days before the motion is passed.

##### **Constitution of game reserves by proclamation**

32. (1) The Governor may, by proclamation—

(a) constitute as a game reserve any Crown land that should in the Governor's opinion be preserved for the conservation of wildlife and management of game;

and

(b) assign a name to a game reserve so constituted.

(2) The Governor may, by subsequent proclamation—

(a) abolish a game reserve constituted under this section;

(b) alter the boundaries of a game reserve constituted under this section;

or

(c) alter the name assigned to a game reserve under this section.

#### DIVISION IV—RECREATION PARKS

##### **Constitution of recreation parks by statute**

33. (1) The areas declared in schedule 6 to be recreation parks are constituted recreation parks.

(2) The names assigned in schedule 6 to the recreation parks constituted under subsection (1) are, subject to this Division, the names of those recreation parks.

(3) The Governor may, by proclamation—

(a) abolish a recreation park constituted under this section;

(b) alter the boundaries of a recreation park constituted under this section;

or

(c) alter the name assigned to a recreation park under this section.

(4) A proclamation must not be made under subsection (3)(a) or (b) by virtue of which any land ceases to be, or to be included in, the Belair Recreation Park, or the Para Wirra Recreation Park except in pursuance of a resolution passed by both Houses of Parliament.

(5) Notice of a motion for a resolution under subsection (4) must be given at least 14 sitting days before the motion is passed.

#### **Constitution of recreation parks by proclamation**

34. (1) The Governor may, by proclamation—

(a) constitute as a recreation park any specified Crown land that should in the Governor's opinion be conserved and managed for public recreation and enjoyment;

and

(b) assign a name to a recreation park so constituted.

(2) The Governor may, by subsequent proclamation—

(a) abolish a recreation park constituted under this section;

(b) alter the boundaries of a recreation park constituted under this section;

or

(c) alter the name assigned to a recreation park constituted under this section.

#### **DIVISION IVA—REGIONAL RESERVES**

#### **Constitution of regional reserves by proclamation**

34a. (1) The Governor may, by proclamation—

(a) constitute as a regional reserve any specified Crown land for the purpose of conserving any wildlife or the natural or historic features of that land while, at the same time, permitting the utilization of the natural resources of that land;

and

(b) assign a name to a regional reserve so constituted.

(2) The Governor may, by subsequent proclamation—

(a) abolish a regional reserve constituted under this section;

(b) alter the boundaries of a regional reserve constituted under this section;

or

(c) alter the name of a regional reserve constituted under this section.

(3) A proclamation must not be made under subsection (2)(a) or (b) by virtue of which any land ceases to be, or to be included in, a regional reserve except in pursuance of a resolution passed by both Houses of Parliament.

(4) Notice of a motion for a resolution under subsection (3) must be given at least 14 sitting days before the motion is passed.

(5) The Minister must, in relation to each regional reserve constituted under this Act, at intervals of not more than ten years—

(a) prepare a report—

- (i) assessing the impact of the utilization of natural resources on the conservation of the wildlife and the natural and historic features of the reserve;
- (ii) assessing the impact, or the potential impact, of the utilization of the natural resources of the reserve on the economy of the State;

and

- (iii) making recommendations as to the future status under this Act of the land constituting the reserve;

and

(b) cause a copy of the report to be laid before each House of Parliament.

#### DIVISION V—CONTROL AND MANAGEMENT OF RESERVES

##### Control and administration of reserves

35. (1) Subject to Part IIIA, the Minister has the control and administration of all reserves constituted under this Act.

(2) All such reserves are vested in the Crown.

(3) The Minister may grant on appropriate terms and conditions a lease or licence entitling a person to rights of entry, use or occupation in respect of a reserve.

(4) Any lease or licence granted in respect of land constituted as a reserve under this Act, and in force immediately before the land is so constituted continues, subject to its terms and conditions, in force for the remainder of the term for which it was granted as if it had been granted by the Minister under this section.

##### Management of reserves

36. (1) Subject to subsection (2), and to Part IIIA, all reserves are under the management of the Director.

(2) The Director must observe any direction of the Minister or the Chief Executive Officer relating to the management of reserves generally or any particular reserve.

##### Objectives of management

37. The Minister, the Chief Executive Officer and the Director must have regard to the following objectives in managing reserves:

- (a) the preservation and management of wildlife;
- (b) the preservation of historic sites, objects and structures of historic or scientific interest within reserves;
- (c) the preservation of features of geographical, natural or scenic interest;
- (d) the destruction of dangerous weeds and the eradication or control of noxious weeds and exotic plants;
- (e) the control of vermin and exotic animals;
- (f) the control and eradication of disease of animals and vegetation;
- (g) the prevention and suppression of bush fires and other hazards;
- (h) the encouragement of public use and enjoyment of reserves and education in, and a proper understanding and recognition of, their purpose and significance;
- (i) generally the promotion of the public interest;

and

- (j) in relation to managing a regional reserve—to permit the utilization of natural resources while conserving wildlife and the natural or historic features of the land.

### Management plans

38. (1) As soon as practicable after the constitution of a reserve, the Minister must propose a plan of management in relation to the reserve.

(2) The Minister may, at any time, prepare an amendment to a plan of management, or prepare a plan of management to be substituted for a previous plan.

(3) Where the Minister has prepared a plan of management in respect of a reserve (whether the plan is the original plan of management or in substitution for a previous plan of management) or any amendment to a plan of management the Minister must cause notice to be published in the *Gazette* that the plan of management, or the amendment, has been prepared.

(4) The plan of management must—

- (a) set forth proposals of the Minister in relation to the management and improvement of the reserve;

and

- (b) set forth any other proposals by which the Minister proposes to accomplish the objectives of this Act in relation to the reserve.

(5) The notice must—

- (a) specify an address at which copies of the plan of management may be inspected;

and

- (b) specify an address to which representations in connection with the plan of management may be forwarded.

(6) Any person may within two months after publication of the notice, or such longer period as may be specified in the notice, make representations to the Minister in connection with the plan of management.

(7) At the expiration of the period during which representations may be made, the Minister must refer the plan of management together with any representations to the Reserves Advisory Committee for its consideration and advice.

(8) After consideration by the Committee, the plan of management must be forwarded to the Minister together with any comments or suggestions of the Committee.

(9) The Minister may—

- (a) adopt a management plan—

- (i) without alteration;

or

- (ii) with such alterations as the Minister thinks reasonable in view of the representations that were made;

or

- (b) may refer the management plan back to the Advisory Committee for further consideration.

(10) When the Minister adopts a plan of management, notice of that fact must be published in the *Gazette*.

(11) The Director must, upon the application of any member of the public and payment of the prescribed fee, furnish that person with a copy of a plan of management adopted under this section.

#### Creation of zones within a reserve

39. (1) A management plan may provide for the division of a reserve into zones.

(2) Where a zone is created within a reserve the land within that zone must be kept and maintained in accordance with the conditions, declared by the plan of management to be appropriate to that zone.

#### Implementation of management plan

40. (1) Subject to subsection (2), where the Minister has adopted a plan of management in relation to a reserve—

(a) the provisions of the plan must be carried out in relation to that reserve;  
and

(b) operations must not be undertaken in relation to that reserve unless those operations are in accordance with the plan of management.

(2) Where a mining tenement has been granted in relation to land that is, or has become, a regional reserve, the management of the reserve is subject to the exercise by the holder of the tenement of rights under the tenement.

#### Agreement as to conditions

40a. (1) The Minister administering this Act and the Minister of Mines and Energy may enter into an agreement with the holder of a mining tenement granted in relation to land that is, or has become, a regional reserve imposing conditions limiting or restricting the exercise of rights under the tenement by the holder of the tenement and by his or her successors in title.

(2) If a person contravenes, or fails to comply with, a condition imposed by agreement under subsection (1) in relation to a mining tenement, the Minister of Mines and Energy must, at the request of the Minister administering this Act, serve notice on the holder of the tenement requiring the holder to rectify the contravention or failure in the manner and within the period (which must not exceed three months) set out in the notice.

(3) If the holder of a tenement on whom a notice has been served under subsection (2) fails to comply with the notice, the Minister of Mines and Energy may cancel the tenement.

#### DIVISION VI—PROVISIONS GENERALLY APPLICABLE TO RESERVES

#### Approval of proposal for constitution of reserve

41. (1) The Minister must—

(a) submit any proposal to constitute, or alter the boundaries of, a reserve to the Minister of Lands for approval;

(b) submit any such proposal to the Minister of Mines and Energy and consider the views of that Minister in relation to the proposal.

(2) Any proposal to constitute, or to alter the boundaries of, a reserve where the reserve includes, or is to include, land under the jurisdiction of the Minister of Marine must be submitted to, and approved by, the Minister of Marine.

(3) A proclamation for the purpose of constituting, or altering the boundaries of, a reserve must not be made without the approval or approvals required by this section.

**Alteration of boundaries of reserves**

41a. (1) The Governor may, by proclamation made on the recommendation of the Minister, alter the boundaries of a reserve for the purpose of making, or allowing for the making of, minor alterations or additions to a public road that intersects, or is adjacent to, the reserve.

(2) At least two months before making a recommendation to the Governor, the Minister must cause to be published in the *Gazette* and in a newspaper circulating generally throughout the State an advertisement—

(a) giving notice of the place or places at which a plan showing the proposed alterations is available for inspection;

and

(b) inviting interested persons to make written submissions to the Minister in relation to the proposal.

(3) The Minister must give consideration to any submissions made in response to an advertisement under subsection (2).

(4) The Minister must not make a recommendation if the Minister is satisfied that the proposed alteration would—

(a) significantly prejudice the fulfilment of the management objectives contained in section 37 as they relate to that reserve;

or

(b) be contrary to the plan of management prepared in accordance with section 38 in relation to that reserve.

(5) No parliamentary resolution is required in relation to a proclamation under this section.

(6) The Minister must, as soon as practicable after a proclamation has been made under subsection (1), cause a copy of the proclamation to be laid before each House of Parliament.

**Prohibited areas**

42. (1) Where the Minister is satisfied that it is expedient for the purpose of protecting human life or conserving native plants or animals the Minister may, by notice published in the *Gazette*, declare any portion of the reserve to be a prohibited area.

(2) Any notice published under subsection (1) must state the grounds upon which the declaration is made.

(3) A person must not be within a prohibited area unless authorized to enter the area by a permit issued by the Minister under this section.

Penalty: \$1 000.

(4) The Minister may, on appropriate terms and conditions, issue to any person a permit to be within a prohibited area.

**Rights of prospecting and mining**

43. (1) Subject to subsection (2), rights of entry, prospecting, exploration, or mining cannot be acquired or exercised pursuant to the *Mining Act, 1971*, the *Petroleum Act, 1940*, or the *Petroleum (Submerged Lands) Act, 1982*, in respect of land constituting a reserve.

(1a) Subsection (1) does not apply to a regional reserve.

(2) The Governor may, by proclamation, declare that subject to any conditions specified in the proclamation rights of entry, prospecting, exploration, or mining may be acquired and

exercised in respect of land constituting a reserve or portion of a reserve, to which subsection (1) applies.

(2a) A person must not contravene or fail to comply with a condition of a proclamation under this section.

Penalty: \$10 000 or imprisonment for 2 years, or both.

(3) A proclamation under subsection (2) has effect in accordance with its terms.

(4) The Governor may, by proclamation, vary or revoke a proclamation under subsection (2).

(5) A proclamation under this section in respect of land constituting a national park, a conservation park, the Belair Recreation Park, the Para Wirra Recreation Park, the Katarapko Game Reserve or the Coorong Game Reserve (except a proclamation revoking a previous proclamation) must not be made unless—

(a) the proclamation is made for the purpose of continuing rights of entry, prospecting, exploration or mining vested in any person immediately before the commencement of this Act in respect of that land;

(b) the proclamation is made simultaneously with the proclamation constituting that land a national park or a conservation park;

or

(c) the proclamation is made in pursuance of a resolution passed by both Houses of Parliament.

(6) Notice of a motion for a resolution under subsection (5)(c) must be given at least 14 sitting days before the resolution is passed.

#### Prospecting and mining in regional reserves

43a. (1) The Minister of Mines and Energy must not grant an application for a mining tenement in relation to a regional reserve without first submitting the application to the Minister administering this Act.

(2) In the case of an application for a mining production tenement in relation to a regional reserve, the Minister of Mines and Energy must not grant the application without the approval of the Minister administering this Act.

(3) In the case of an application for any other kind of mining tenement in relation to a regional reserve the Minister of Mines and Energy must not grant the application without considering the views of the Minister administering this Act.

(4) If the Minister administering this Act refuses to give the approval required by subsection (2) the Minister of Mines and Energy may refer the matter to the Governor and may, with the Governor's approval, grant the application.

(5) The holder of a precious stones prospecting permit under the *Mining Act, 1971*, cannot peg out a precious stones claim on a regional reserve without the approval of the Minister administering this Act, or if the Minister refuses to give approval, without the approval of the Governor.

(6) Subsection (2) does not apply to a petroleum production licence that the Minister of Mines and Energy is authorized to grant by section 9 of the *Cooper Basin (Ratification) Act, 1975*.

**Entry onto reserves for purpose of investigation and survey**

43b. (1) The Minister of Mines and Energy or a person authorized by that Minister may enter onto any reserve for the purpose of a geological, geophysical or geochemical investigation or survey without the approval of the Minister administering this Act if the investigation or survey will not result in disturbance of the land.

(2) A person who wishes to enter onto a reserve pursuant to subsection (1) must, before doing so, consult the Minister administering this Act.

## DIVISION VII—SANCTUARIES

**Establishment of sanctuaries**

44. (1) If the Minister is of the opinion that it is desirable to conserve the animals or plants for which any land is a natural habitat or environment and—

(a) where the land is reserved for or dedicated to, a public purpose, the person to whom the care, control and management of that land has been committed has consented to a declaration under this section;

or

(b) where the land is private land, the owner and occupier of the land have consented to a declaration under this section,

the Minister may, by notice in the *Gazette*, declare the land to be a sanctuary.

(2) The Minister—

(a) may revoke any declaration under this section;

and

(b) where private land constitutes a sanctuary, and the owner of that land, by instrument in writing, requests that the land should cease to be a sanctuary, must revoke the declaration under which that land is constituted a sanctuary.

(3) In this section—

“owner” in relation to private land means the holder of an estate in fee simple in the land.

**Protection of animals and plants in sanctuary**

45. (1) A person must not take an animal, or the eggs of an animal, or a native plant within a sanctuary except in pursuance of this section.

Penalty: In the case of an animal, or the eggs of an animal, or a native plant of an endangered species, \$10 000 or imprisonment for 2 years.

In the case of an animal, or the eggs of an animal, or a native plant of a vulnerable species, \$7 500 or imprisonment for 18 months.

In the case of an animal, or the eggs of an animal, or a native plant of a rare species, \$5 000 or imprisonment for 12 months.

In any other case, \$2 500 or imprisonment for 6 months.

(2) The Minister may, if satisfied that it is in the interests of conserving wildlife to do so, grant a permit authorizing the holder of the permit to take animals, or the eggs of animals, or native plants within a sanctuary in accordance with the terms of the permit.

(3) The owner of land constituting a sanctuary, or a person authorized by the owner, may take an animal, or the eggs of an animal that is not a protected animal in the sanctuary without a permit under subsection (2).

### PART IIIA DEVELOPMENT TRUSTS

#### Interpretation

45a. In this Part—

“reserve” includes part of a reserve, or any two or more reserves:

“Trust” means a development trust established under section 45b.

#### Development Trusts

45b. (1) The Governor may, by proclamation, establish a Development Trust in respect of a reserve.

(2) A proclamation under subsection (1) must—

- (a) designate the reserve in relation to which the Development Trust is to be created;
- (b) designate the Trust by a distinctive name;
- (c) fix the number of members of the Trust and the method by which they are appointed or elected;
- (d) fix the quorum for meetings of the Trust;
- (e) fix the terms and conditions upon which members of the Trust will hold office;
- (f) provide for the removal of members of the Trust from office and for the filling of vacant offices.

(3) The Governor may, by further proclamation, vary any proclamation made under subsection (1).

#### Trust to be body corporate

45c. (1) A Trust is a body corporate with perpetual succession and a common seal, and—

- (a) is capable of suing and being sued;
- (b) is capable of holding, acquiring, dealing with and disposing of real and personal property;
- (c) is capable of acquiring or incurring any other rights and liabilities;
- (d) has the powers, rights, duties and functions conferred, imposed or prescribed by or under this Act or any other Act;

and

- (e) holds its property on behalf of the Crown.

(2) Where an apparently genuine document purports to bear the common seal of a Trust, it will be presumed in any legal proceedings, in the absence of proof to the contrary, that the common seal of that Trust has been duly affixed to that document.

**Appointment of members to a Trust**

45d. (1) Upon the establishment of a Trust under this Act the members of the Trust must be appointed or elected, as the case may require, in accordance with the proclamation.

(2) A member of a Trust is entitled to payment from the funds of the Trust of such remuneration, allowances and expenses as the Governor may determine.

(3) An act or proceeding of a Trust is not invalid by reason of a vacancy in its membership or any defect in the appointment or election of a member.

(4) No liability attaches to a member of a Trust for an act or omission by the member or the Trust in good faith and in the exercise or purported exercise of functions under this Act.

(5) A member of a Trust who is an officer or employee of the Trust will not by reason of that fact be taken to have a financial or material interest in any matter or thing relating to rates of remuneration or other terms and conditions of employment of officers or employees of the Trust.

**Chairman and meetings of a Trust**

45e. (1) The members of a Trust must elect one of their number to be chairman of the Trust for such period as the Trust may determine.

(2) The Chairman, if present at a meeting of the Trust, must preside at that meeting.

(3) In the absence of the chairman, the members present at a meeting must elect one of their number to preside at that meeting.

(4) A decision carried by a majority of the votes cast by the members present at a meeting is a decision of the Trust.

(5) The person presiding at a meeting of a Trust has, in the event of an equality of votes, a casting vote in addition to a deliberative vote.

(6) Subject to this Act, a Trust may conduct its business in such manner as it thinks fit.

**Functions of a Trust**

45f. (1) The functions of a Trust are, subject to this Act, to perform such duties in relation to the development of the reserve in relation to which it was established as are from time to time assigned to it by the Minister by notice in writing.

(2) A Trust has and may exercise all such powers as are necessary for or incidental to the performance of its functions.

(3) In the exercise of its powers and the performance of its functions a Trust is, except where it is required to make a report to the Minister, subject to the general control and direction of the Minister.

**Trust may delegate**

45g. (1) A Trust may delegate any of its powers, functions or duties to any committee appointed by the Trust, or to any member of the Trust or officer or employee of the Trust.

(2) A delegation of powers, functions or duties by a Trust does not derogate from the power of the Trust to act itself in any matter and is revocable by the Trust at will.

**Staff of a Trust**

45h. (1) A Trust may appoint, upon terms and conditions approved by the Minister, such officers and employees as it thinks necessary or desirable for the proper carrying out of the functions and duties of the Trust.

(2) A Trust is a public authority within the meaning of the *Superannuation Act, 1988*, and—

(a) any person who was, immediately before becoming an officer or employee of a Trust, a contributor to the South Australian Superannuation Fund remains, subject to that Act, a contributor to that Fund;

and

(b) any other full-time officer or employee of a Trust may, subject to that Act, become a contributor to that Fund.

(3) Where a person becomes an officer or employee of a Trust, that person's existing and accruing rights in respect of recreation leave, sick leave and long service leave will, where employment by the trust follows immediately upon—

(a) employment in the Public Service of the State;

(b) employment by another Trust;

or

(c) any other prescribed employment,

continue in full force and effect as if that previous employment were employment with the Trust.

#### Acquisition of land

45i. A Trust may with the approval of the Minister and subject to and in accordance with the *Land Acquisition Act, 1969*, acquire land for the purposes of a reserve or to enlarge or extend an existing reserve.

#### Financial provisions

45j. (1) A Trust may, with the approval of the Treasurer, borrow money for the purpose of enabling it to perform and discharge its functions and duties under this or any other Act.

(2) The Treasurer may, at his or her discretion, guarantee the discharge by a Trust of any liability incurred by it in respect of any loan under subsection (1).

(3) The Treasurer may, without any authority other than this section, pay out of the General Revenue of the State any money required for the purpose of discharging obligations arising by virtue of a guarantee given under this section.

(4) A Trust may, with the approval of the Treasurer, invest any of the money of the Trust that is not for the time being required for the purposes of the Trust, in such investments as may be approved by the Treasurer.

#### Accounts and audit

45k. (1) A Trust must cause proper accounts to be kept of its financial affairs.

(2) The Auditor-General may at any time, and must at least once in every year, audit the accounts of a Trust.

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#### Dissolution of a Trust

45l. (1) The Governor may, by proclamation, dissolve a Trust.

(2) Upon the dissolution of a Trust pursuant to subsection (1), the assets of the Trust will be disposed of and the liabilities of the Trust will be discharged in accordance with the directions of the Governor.

PART IV  
CONSERVATION OF NATIVE PLANTS

**Application of this Part**

46. (1) Subject to this section, this Part applies throughout the State.

(2) The Governor may, by proclamation, declare that this Part, or any provisions of this Part specified in the proclamation, will not apply at any time or during periods specified in the proclamation—

(a) within a part of the State specified in the proclamation;

(b) to a specified species of native plant;

or

(c) to a specified species of native plant in a specified part of the State,

and the operation of this Part will be modified accordingly.

(3) The Governor may, by proclamation, revoke or vary a proclamation under this section.

**Unlawful taking of native plants**

47. (1) Subject to this Part, a person must not take a native plant—

(a) on any reserve;

(b) on any other Crown land;

(c) on any land reserved for or dedicated to public purposes;

or

(d) on any forest reserve.

(2) A person must not take a native plant of a prescribed species on private land.

(3) A person who contravenes subsection (1) or (2) is guilty of an offence.

Penalty: In the case of a native plant of an endangered species, \$10 000 or imprisonment for 2 years.

In the case of a native plant of a vulnerable species, \$7 500 or imprisonment for 18 months.

In the case of a native plant of a rare species, \$5 000 or imprisonment for 12 months.

In any other case, \$2 500 or imprisonment for 6 months.

(4) A person must not take a native plant on private land without the consent of the owner of the land.

Penalty: \$1 000.

(5) If in proceedings for an offence against this section it is proved that the defendant was found in possession of a native plant, it will be presumed, in the absence of proof to the contrary, that the defendant took the plant in contravention of this Act.

(6) It is a defence to a charge of an offence against this section to prove that the act alleged against the defendant—

(a) was neither intentional nor negligent;

or

(b) was done in pursuance of some statutory authority.

**Unlawful disposal of native plants**

48. (1) A person must not sell or give away a native plant of a prescribed species.

Penalty: In the case of a native plant of an endangered species, \$10 000 or imprisonment for 2 years.

In the case of a native plant of a vulnerable species, \$7 500 or imprisonment for 18 months.

In the case of a native plant of a rare species, \$5 000 or imprisonment for 12 months.

In any other case, \$2 500 or imprisonment for 6 months.

(2) It is a defence to a charge of an offence against this section to prove that the native plant was taken pursuant to a licence under the *Forestry Act, 1950*.

**Illegal possession of native plants**

48a. (1) A person must not have in his or her possession or control a native plant that has been illegally taken or acquired.

Penalty: In the case of a native plant of an endangered species, \$10 000 or imprisonment for 2 years.

In the case of a native plant of a vulnerable species, \$7 500 or imprisonment for 18 months.

In the case of a native plant of a rare species, \$5 000 or imprisonment for 12 months.

In any other case, \$2 500 or imprisonment for 6 months.

(2) For the purposes of this section, a native plant is illegally taken or acquired if taken or acquired contrary to this Act or any other Act or law of the State, or contrary to the law of another State or Territory of the Commonwealth.

(3) In proceedings for an offence against this section the onus lies on the defendant to prove that the native plant was not taken or acquired illegally.

**Permits**

49. (1) The Minister may grant a permit authorizing—

(a) the taking of native plants;

or

(b) the sale or gift of native plants,

subject to the conditions of the permit.

(2) No offence is committed by reason of the taking, or the sale, of native plants in accordance with a permit under this section.

**PART V****CONSERVATION OF NATIVE ANIMALS****DIVISION I—APPLICATION OF THIS PART****Application of this Part**

50. (1) Subject to this section, this Part applies throughout the State.

(2) The Governor may, by proclamation, declare that this Part or any provisions of this Part specified in the proclamation do not apply—

(a) within a part of the State defined or referred to in the proclamation;

(b) to a specified species of animal;

or

(c) to a specified species of animal in a specified part of the State.

(3) The Governor may, by proclamation, revoke or vary any proclamation under this Part.

#### DIVISION II—RESTRICTIONS UPON THE TAKING OF PROTECTED ANIMALS

##### Protected animals

51. (1) Subject to this Part, a person must not take a protected animal or the eggs of a protected animal.

Penalty: In the case of an animal, or the eggs of an animal, of an endangered species, \$10 000 or imprisonment for 2 years.

In the case of an animal, or the eggs of an animal, of a vulnerable species, \$7 500 or imprisonment for 18 months.

In the case of an animal, or the eggs of an animal, of a rare species, \$5 000 or imprisonment for 12 months.

In any other case, \$2 500 or imprisonment for 6 months.

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(2) In any prosecution under this section, it is a defence that the defendant did not wilfully or negligently commit the act subject to the charge.

##### Open season

52. (1) The Minister may, by notice published in the *Gazette*, declare an open season for the taking of protected animals of a specified species.

(2) A notice under this section—

(a) must not relate to animals of an endangered species;

(b) does not apply in relation to animals within a reserve, other than a game reserve;

and

(c) does not apply in relation to animals within a game reserve unless the notice expressly provides that the open season applies in relation to that reserve.

(3) A notice under this section—

(a) must state—

(i) the period of the open season (including, if the Minister thinks fit, the hours of the day during which animals may be taken);

(ii) the parts of the State to which the open season applies;

and

(iii) whether eggs may be taken;

(b) may prescribe restrictions or conditions applicable to the open season;

and

(c) may be varied or revoked by the Minister by a subsequent notice published in the *Gazette*.

(4) It is lawful to take a protected animal in accordance with a notice under this section.

**Permits to take protected animals**

53. (1) The Minister may grant to any person a permit to take protected animals or the eggs of protected animals, if satisfied that it is desirable to grant the permit—

- (a) to facilitate scientific research;
  - (b) to enable the person to place bands, marks or tags upon such animals and then to release them;
  - (c) to permit the destruction or removal of animals that are causing, or are likely to cause, damage to the environment or to crops, stock or other property;
- or
- (d) for any other purpose (other than for sale) that the Minister considers proper and not inconsistent with the objectives of this Act.

(2) A permit under this section remains in force for such term, not exceeding 12 months, as is specified in the permit.

(3) The Minister may at any time revoke a permit granted under this section.

(4) A person to whom a permit to take protected animals has been granted must, within 14 days after the expiration or revocation of the permit, deliver to the Minister a report in the prescribed form stating the number of animals of each species taken in pursuance of the permit and the number of eggs of any protected animal taken in pursuance of the permit.

Penalty: \$1 000.

(5) Without limiting the conditions subject to which a permit may be granted under this section those conditions may—

- (a) limit the areas in which protected animals or the eggs of protected animals may be taken;

and

- (b) limit the number of animals or eggs that may be taken in pursuance of the permit.

(6) Where a permit relates to animals in respect of which a royalty is payable under this Act, the Minister may require the applicant to pay in advance an amount equal to the amount of royalty that would be payable in respect of all the animals in respect of which the permit is granted.

**Dangerous magpies and poisonous reptiles**

54. (1) It is lawful for any person without any permit or other authority under this Act, to kill any Australian magpie that has attacked or is attacking any person.

(2) It is lawful for any person without any permit or other authority under this Act, to kill any poisonous reptile that—

- (a) has attacked, is attacking or is likely to attack, any person;
- (b) is in dangerous proximity to any person;

or

- (c) is, or has been, in such proximity to a person as to cause reasonable anxiety to that person.

**DIVISION III—RELEASE OF PROTECTED ANIMALS****Restriction on release of protected animals**

55. A person must not release a protected animal or an animal of a species listed in schedule 10 from captivity unless that person is authorized to do so by a permit granted by the Minister.

Penalty: \$2 500.

DIVISION IV—PROHIBITIONS AND RESTRICTIONS UPON THE KEEPING OF  
PROTECTED ANIMALS AND CERTAIN DEALINGS IN PROTECTED ANIMALS**Keeping and sale of protected animals**

58. (1) Subject to this section, a person must not—

(a) keep more than one animal that is a protected animal of a prescribed species;

or

(b) keep a protected animal of any other species,

unless authorized to do so by permit granted by the Minister.

Penalty: \$2 500.

(2) Subject to this section, a person must not—

(a) have possession or control of more than five eggs that are the eggs of a protected animal of a prescribed species;

or

(b) have possession or control of the eggs of a protected animal of any other species,

unless authorized to do so by permit granted by the Minister.

Penalty: \$2 500.

(3) Subject to this section, a person must not sell or give away a protected animal or the carcass or eggs of a protected animal unless authorized to do so by permit granted by the Minister.

Penalty: \$2 500.

(4) Subsections (1), (2) and (3) do not apply in relation to an animal, or the carcass or eggs of an animal, of a species that is excluded from the operation of those subsections by proclamation.

(5) The Governor may, by proclamation, vary or revoke a proclamation referred to in subsection (4).

(6) A permit granted by the Minister under this section does not apply in relation to an animal, or the carcass or eggs of an animal, taken illegally or brought into this State illegally.

(7) The holder of a permit under this section must provide the Minister with such information as is required by regulation.

(8) A person who keeps an animal, or has possession or control of the eggs of an animal, taken in pursuance of a permit granted by the Minister to take protected animals, or the eggs of protected animals, for scientific research does not contravene subsection (1).

(9) It is a defence to a charge of an offence against this section to prove that the defendant acted in the course of interstate trade or commerce.

**Restriction on keeping protected animals in certain areas**

58a. A person must not keep a protected animal in an area declared by regulation to be a prohibited area in relation to animals of that species unless that person is authorized to do so by a permit granted by the Minister.

Penalty: \$2 500.

**Export and import of protected animals**

59. (1) A person must not—

(a) export a protected animal or the carcass or egg of a protected animal from a place within the State to a place outside the State except in pursuance of the permit to export such an animal granted under this section;

or

(b) import into the State a protected animal or the carcass or egg of a protected animal from a place outside the State except in pursuance of the permit granted under this section.

Penalty: \$2 000.

(2) The Minister may grant to any person a permit to export from the State or to import into the State protected animals of such species as are specified in the permit.

(3) Where an applicant for a permit under this section requires the permit for the purpose of trade, commerce or intercourse between States of the Commonwealth, or between a Territory and State of the Commonwealth, the Minister must grant a permit under this section.

(4) A fee must not be charged for a permit granted under subsection (3) and a condition that is inconsistent with freedom of the trade, commerce or intercourse for which the permit is sought must not be attached to any such permit but, subject to the foregoing, conditions may be attached to the permit for the purpose of ensuring—

(a) that the Minister is properly informed of the passage of protected animals, or carcasses or eggs of protected animals, into, through or from the State and of the provenance and destination of any animal, carcass or egg to which the permit relates;

and

(b) that the public interest in the conservation of native animals in the State, or any part of the State, is properly protected.

**Illegal possession of animals, etc.**

60. (1) A person must not have in his or her possession or control—

(a) an animal;

(b) the carcass of an animal;

or

(c) an egg,

that has been illegally taken or acquired.

Penalty: In the case of an animal, or the egg of an animal, of an endangered species, \$10 000 or imprisonment for 2 years.

In the case of an animal, or the egg of an animal, of a vulnerable species, \$7 500 or imprisonment for 18 months.

In the case of an animal, or the egg of an animal, of a rare species, \$5 000 or imprisonment for 12 months.

In any other case, \$2 500 or imprisonment for 6 months.

(2) For the purposes of this section an animal, carcass or egg is illegally taken or acquired if taken or acquired contrary to this Act or any other Act or law of the State, or contrary to the law of another State or Territory of the Commonwealth.

(3) In proceedings for an offence against this section the onus lies on the defendant to prove that the animal, carcass or egg was not taken or acquired illegally.

## DIVISION V—ROYALTY

**Royalty**

61. (1) The Governor may, by proclamation, declare that royalty is payable—

- (a) upon any animal of a specified species;
- (b) upon the carcass or skin of an animal of a specified species;
- or
- (c) upon any egg of an animal of a specified species,

by any person by whom any such animal, carcass, skin or egg is taken.

(2) The amount of royalty will be fixed in the proclamation and may vary according to the size, age, quality, standard or condition of the animal, carcass, skin or egg in respect of which it is payable.

(3) A proclamation under this section may provide that it applies only in respect of an animal, or the carcass, skin or egg of an animal, taken in a game reserve.

(4) A proclamation under this section has effect according to its terms.

(5) The Governor may, by proclamation, vary or revoke a proclamation under this section.

**Demand for royalty**

62. (1) The Director or a warden may demand orally or in writing that any person pay to the Director all royalty for which that person is liable under this Act.

(2) A person who fails to comply with a demand under subsection (1) within 48 hours of the demand is guilty of an offence.

Penalty: \$1 000.

(3) In any proceedings under this section the court may order the defendant to pay to the Director any amount fixed by the court by way of royalty under this Act.

(4) Where a person fails to comply with a demand under subsection (1), the Director or a warden may seize any animals, carcasses, skins or eggs upon which royalty is unpaid.

(5) The Minister may sell any animals, carcasses, skins or eggs seized under this section and must apply any proceeds of the sale in payment of the unpaid royalty and any amount remaining to the owner of the animals, carcasses, skins or eggs.

**Recovery of royalty by civil action**

63. (1) The Minister may, by action in any court of competent jurisdiction, recover, as a debt, from any person an amount of royalty for which that person is liable under this Act.

(2) This section does not derogate from any other remedy available to the Minister for the recovery of royalty.

## DIVISION VI—GENERAL PROVISIONS

**Unlawful entry on land**

64. (1) A person must not be on any land for the purpose of taking a protected animal, or the eggs of a protected animal, unless the owner of that land has given that person, not more than six months beforehand, permission in writing to be on the land for that purpose.

Penalty: \$1 000.

(2) If the owner or occupier of any land, or the servant or agent of the owner of the land, suspects that a person trespassing on the land is committing, has committed, or is about to commit an offence against this Act, he or she may request the trespasser—

(a) to state the trespasser's full name and usual place of residence;

and

(b) to leave the land.

(3) A person of whom a request is made under subsection (2) must comply with it forthwith.

Penalty: \$1 000.

(4) A person who has been requested to leave land under this section must not re-enter the land without the permission of the owner.

Penalty: \$1 000.

(5) In proceedings for an offence against this section, proof that a person has possession or control of a dog, firearm or device capable of being used for taking a protected animal is evidence that that person was on the land for the purpose of taking a protected animal.

(6) In this section—

“owner” means—

(a) in relation to private land, the owner of the land;

(b) in relation to land held by a Minister, agent or instrumentality of the Crown, that Minister, agent or instrumentality or a person authorized by the Minister, agent or instrumentality;

and

(c) in relation to unalienated land of the Crown, the Minister of Lands or a person authorized by the Minister of Lands.

#### Use of poison

65. (1) A person who, without a permit granted by the Minister, uses poison for the purpose of taking a protected animal is guilty of an offence.

Penalty: \$2 000.

(2) If a protected animal is taken as a result of the use of poison by a person without a permit granted by the Minister, that person is guilty of an offence.

Penalty: \$2 000.

(3) It is a defence to a charge under subsection (2) that the defendant—

(a) used the poison in good faith for the purpose of destroying vermin in pursuance of the *Animal and Plant Control (Agricultural and Other Purposes) Act, 1986*;

and

(b) exercised such precautions as the defendant might reasonably be expected to have exercised in the circumstances to avoid endangering protected animals by the use of poison.

(4) In this section—

“poison” means any substance that might endanger the life or health of a protected animal.

**Restriction on use of certain devices**

66. (1) The Governor may, by proclamation, restrict or prohibit the use of firearms or devices of a specified class for the taking of particular species of animals or for the taking of animals generally.

(2) A person who contravenes a restriction or prohibition imposed under subsection (1) is guilty of an offence.

Penalty: \$1 000.

**Devices for the illegal taking of animals**

67. (1) A warden may dismantle and remove any device by which animals have been taken illegally or by which animals are in the warden's opinion likely to be taken illegally.

(2) Any device removed by a warden pursuant to this section is forfeited to the Crown and may be sold or otherwise disposed of by the Director.

**Penalty for injuring or molesting protected animal**

68. A person must not injure or molest, or cause or permit the injury or molestation of, a protected animal.

Penalty: \$1 000.

## PART VA

## HUNTING

## DIVISION I—HUNTING GENERALLY

**Hunting permits**

68a. (1) Except as provided in subsection (5), a person must not hunt, or have possession of any firearm or device for the purpose of hunting, unless that person holds a permit under this section.

Penalty: \$1 000.

(2) The Minister may grant to any person a permit under this section.

(3) A permit will, subject to this Act, be in force for a term, not exceeding 12 months, specified in the permit.

(4) Where it is proved, in any proceedings for an offence against this section, that the defendant had possession of any firearm or device capable of being used for the purpose of hunting in circumstances that lead to a reasonable suspicion that the defendant had the firearm or device for that purpose, it will be presumed, in the absence of proof to the contrary, that the defendant had possession of that firearm or device for the purpose of hunting.

(5) No permit is required under this section for the purpose of—

(a) the destruction of animals that are endangering human life;

(b) the destruction of animals (other than protected animals) by the owner of any land, a member of his or her household, or an employee or agent of the owner, that are causing damage to crops, stock or other property on the land;

or

(c) the taking of an animal in pursuance of any other permit under this Act.

**Unlawful entry on land**

68b. (1) A person must not be on land for the purpose of hunting unless the owner of the land has given that person, within the preceding six months, permission in writing to be on the land for that purpose.

Penalty: \$1 000.

(2) If the owner of land reasonably suspects that a person has committed or is about to commit an offence against this Act on the land, the owner may request the person—

(a) to state his or her full name and usual place of residence;

and

(b) to leave the land.

(3) A person of whom a request is made under subsection (2) must comply with it forthwith.

Penalty: \$1 000.

(4) A person who has been requested to leave land under this section must not re-enter the land without the permission of the owner.

Penalty: \$1 000.

(5) Where it is proved, in proceedings for an offence against subsection (1), that, while on the land, the defendant had possession or control of an animal, firearm, device, poison or bait capable of being used for hunting it will be presumed, in the absence of proof to the contrary, that the person was on the land for the purpose of hunting.

(6) In this section—

“owner” means—

(a) in relation to private land, the owner of the land;

(b) in relation to land held by a Minister, agent or instrumentality of the Crown, that Minister, agent or instrumentality or a person authorized by the Minister, agent or instrumentality;

and

(c) in relation to unalienated land of the Crown, the Minister of Lands or a person authorized by the Minister of Lands.

**DIVISION II—HUNTING AND FOOD GATHERING BY ABORIGINES****Interpretation**

68c. (1) In this Division, unless the contrary intention appears—

“Aboriginal” means of, or pertaining to, the Aboriginal people;

“Aboriginal people” means the people who inhabited Australia before European colonization;

“Aborigine” means a person of Aboriginal descent who is accepted as a member by a group in the community who claim descent from the Aboriginal people.

(2) This Division does not apply to the taking of—

(a) an animal, or the eggs of an animal, of a prescribed species or a plant of a prescribed species;

or

(b) an animal, egg or plant by a prescribed means or in prescribed circumstances.

**Hunting and food gathering by Aborigines**

68d. (1) It is not illegal by virtue of section 47 (1) or (2) for an Aborigine to take a native plant in pursuance of this Division from land that is not a reserve.

(2) It is not illegal by virtue of section 51 for an Aborigine to take a protected animal, or the eggs of a protected animal, in pursuance of this Division from land that is not a reserve.

(3) It is not illegal by virtue of section 47 (1) for an Aborigine to take a native plant from a reserve in pursuance of this Division if the native plant is taken in accordance with a proclamation permitting the taking of the plant from the reserve.

(4) It is not illegal by virtue of section 51 for an Aborigine to take a protected animal, or the eggs of a protected animal, from a reserve in pursuance of this Division if the animal or eggs are taken in accordance with a proclamation permitting the taking of the animal or eggs from the reserve.

(5) The Governor may, by proclamation, vary or revoke a proclamation referred to in subsection (3) or (4).

(6) An animal, egg or plant is taken in pursuance of this Division if it is taken—

(a) for food for the person who takes it or for his or her dependants;

or

(b) solely for cultural purposes of Aboriginal origin.

**Exemption from requirement to hold hunting permit**

68e. An Aborigine is not required to hold a permit under section 68a in relation to hunting if the animal hunted will be used—

(a) as food for the hunter or for his or her dependants;

or

(b) solely for cultural purposes of Aboriginal origin.

**PART VI****MISCELLANEOUS PROVISIONS****Permits**

69. (1) An applicant for a permit under this Act—

(a) must make the application in a manner and form determined by the Minister;  
and

(b) must, subject to subsection (2), pay to the Minister the appropriate fee fixed by regulation in respect of the permit at the time of the application.

(2) The Minister may, if satisfied that there are special reasons for doing so, remit the whole or any portion of any fee payable in respect of the grant of a permit under this Act.

(3) A permit—

(a) is subject to such limitations, restrictions and conditions as the Minister thinks fit and includes in the permit;

(b) may, if the holder of the permit has in the opinion of the Minister contravened or failed to comply with any limitation, restriction or condition of the permit, be revoked by the Minister by instrument in writing served personally or by post upon that person;

and

- (c) may be revoked by the Minister by instrument in writing served personally or by post upon the holder of the permit if, in the opinion of the Minister, it is in the interests of conservation to do so.

(4) Without limiting the conditions upon which a permit relating to animals may be granted under this Act, those conditions may—

- (a) provide for marking, or otherwise identifying, animals to which the permit relates;  
(b) require the holder of the permit to report the escape, illness or death of any animal to which the permit relates;

and

- (c) require the holder of the permit to report to the Minister the birth of any progeny to the animals to which the permit relates.

(5) A permit—

- (a) comes into operation on the day fixed in the permit for its commencement or, if no such day is fixed, on the day on which it is granted;

and

- (b) expires on the day fixed in the permit for its expiry or, if no such day is fixed, on the expiration of 12 months from the day on which it came into operation.

#### **Obligation to produce permit**

70. A person required by this Act to hold a permit, or to have written permission, must if requested by a warden, produce the permit or written permission for inspection by the warden.

Penalty: \$1 000.

#### **Duplicate**

71. (1) If the Minister is satisfied—

- (a) that any permit or other document issued to any person under this Act has been lost, destroyed or defaced;

and

- (b) that no improper use has been made of that permit or document,

the Minister may on the application of that person, and on payment of the prescribed fee, issue a duplicate of the permit or other document.

(2) A duplicate issued under this section has the same force and effect as the original of which it is a duplicate.

#### **False or misleading statement**

72. (1) A person must not make a false or misleading statement in any application, return, or other document under this Act.

Penalty: \$2 000.

(2) It is a defence to a charge for an offence under subsection (1) that the defendant believed on reasonable grounds that the statement was true.

**Offences against provisions of proclamations and notices**

73. (1) A person must not contravene, or fail to comply with, any provision or condition of a proclamation or notice under this Act.

Penalty: \$1 000.

(2) Where the holder of a permit, or a person acting in the employment or the authority of the holder of a permit, contravenes or fails to comply with a provision or condition of the permit, the holder of the permit is guilty of an offence.

Penalty: \$1 000.

**Additional penalty**

74. (1) Where a person is convicted of an offence involving any unlawful act in relation to animals and the court is satisfied that more than one animal was involved in the offence, it must, in addition to imposing a penalty authorized by the provisions of this Act under which the offence arises, impose an additional fine based on the number of animals involved in the commission of the offence.

(2) The amount of the additional fine is—

(a) not more than \$1 000 for each animal of an endangered species involved in the commission of the offence;

(b) not more than \$750 for each animal of a vulnerable species involved in the commission of the offence;

(c) not more than \$500 for each animal of a rare species involved in the commission of the offence;

and

(d) not more than \$250 for each animal (not being an animal referred to in paragraph (a), (b) or (c)) involved in the commission of the offence.

**Evidentiary provisions**

75. (1) In any proceedings for an offence against this Act, an apparently genuine document purporting to be signed by the Director, and to state that at any specified time or during any specified period a person was or was not the holder of a permit under this Act is proof of the matter so stated in the absence of proof to the contrary.

(2) In any proceedings for an offence against this Act, an allegation in a complaint that a place referred to in the complaint is, or was at a time specified in the complaint, a reserve or sanctuary under this Act, will be accepted as proved in the absence of proof to the contrary.

(3) Where in any proceedings for an offence against this Act, any question arises as to whether the defendant was duly authorized pursuant to this Act to perform the action subject to the charge, the onus of proving that authorization lies upon the defendant.

(4) In any proceedings for an offence against this Act, an allegation in the complaint that a person named in the complaint is, or was at a time specified in the complaint, a warden will be accepted as proved in the absence of proof to the contrary.

(5) In proceedings for an offence against this Act, an allegation in the complaint that an animal referred to in the complaint was a protected animal, or that a carcass or egg referred to in the complaint was the carcass or egg of a protected animal, will be accepted as proved in the absence of proof to the contrary.

(6) In any proceedings for an offence against this Act, an allegation in the complaint that an animal referred to in the complaint was of a specified species, or that a carcass or egg referred to in the complaint was the carcass or egg of an animal of a specified species, will be accepted as proved in the absence of proof to the contrary.

**Defence**

75a. It is a defence to a charge of an offence against this Act to prove that the defendant—

(a) acted in a manner authorized by or under the *Native Vegetation Management Act, 1985*;

(b) acted in compliance with a requirement of the *Animal and Plant Control (Agricultural Protection and Other Purposes) Act, 1986*;

or

(c) acted in compliance with a requirement of any other Act.

**Summary procedure**

76. (1) An offence against this Act is a summary offence.

(2) A complaint for an offence against this Act, may be laid within 12 months after the offence was committed by the defendant.

**Powers of court**

77. Upon convicting any person for an offence against this Act, the court may, in addition to imposing any other penalty, order—

(a) that any permit of the convicted person be cancelled;

and

(b) that the convicted person be disqualified for such period as the court may specify from holding and obtaining a permit under this Act.

**Financial provision**

78. (1) Subject to this Act, the money required for the purposes of this Act will be paid out of money provided by Parliament for those purposes.

(2) Any money received or recovered by the Minister, the Chief Executive Officer or the Director under this Act must, except as otherwise provided by this Act, be paid into the General Revenue of the State.

**Wilful damage to reserve or property of Minister**

79. (1) A person who, intentionally and without lawful authority, destroys or damages any part of a reserve or any property of the Minister on a reserve is guilty of an offence.

Penalty: \$2 000 or imprisonment for 6 months.

(2) Upon convicting a person for an offence against this section, the court may order the convicted person to pay to the Minister such sum as the court thinks just by way of compensation.

**Lessees and licensees to make certain contributions**

79a. (1) Where a person holds a lease or licence granted by the Minister in relation to a reserve or part of a reserve, the Minister may from time to time, by notice in writing served personally or by post, require that person to pay a contribution of an amount determined by the Minister towards the cost of maintaining and improving the reserve.

(2) The holder of a lease or licence must pay the contribution to the Minister within three months of service of the notice.

(3) If the holder of a lease or licence fails to pay a contribution in accordance with this section, the Minister may recover the amount, together with interest at ten per cent per annum, as a debt.

(4) The Minister may remit a liability under this section wholly or in part.

(5) The Minister will pay the contribution into a fund entitled the "Reserves Services Fund".

(6) The Minister may pay from the fund such amounts as the Minister thinks fit towards the cost of maintaining and improving reserves or carrying out management plans in relation to reserves.

### Regulations

80. (1) The Governor may make such regulations as are contemplated by this Act, or as are necessary or expedient for the purposes or objects of this Act.

(2) Without limiting the generality of subsection (1), the regulations may—

- (a) confer powers, authorities, duties and the obligations upon the Minister, the Chief Executive Officer, or the Director, or any officers appointed under this Act, that may be necessary or expedient for the enforcement of this Act;
- (b) regulate the use and enjoyment of reserves;
- (c) provide for the safety of persons in reserves;
- (d) establish standards of conduct to which those who may resort to a reserve must conform while on the reserve;
- (e) provide for the removal of trespassers from reserves;
- (f) restrict or prohibit access to reserves or any portions of reserves;
- (g) provide for the preservation and protection of natural features of reserves;
- (h) provide for the protection, conservation and management of animals and plants in reserves;
- (i) regulate, restrict or prohibit the taking of animals and plants into reserves or the removal of animals and plants from reserves;
- (ia) regulate, restrict or prohibit the removal of wood, mulch or other dead vegetation from reserves;
- (j) provide for the impounding, removal, destruction, or disposal of animals found straying upon reserves;
- (k) regulate, restrict or prohibit the taking of firearms or other devices into, or the use of firearms or other devices in, a reserve or sanctuary;
- (l) provide for the collection of scientific specimens and the pursuit of research in reserves;
- (m) reserve the whole or any portion of a reserve for a separate or exclusive use prescribed by the regulations;
- (n) restrict or prohibit access to a reserve or any portion of a reserve by any person or class of persons;
- (o) regulate, restrict or prohibit the use of roads or tracks in reserves;
- (p) regulate, restrict or prohibit the use of motor vehicles or other vehicles in reserves;
- (pa) empower the Director to fix one or more speed limits for vehicles driven within a reserve or any part of a reserve;
- (q) provide for the impounding, removal or disposal of any vehicle or property found in a reserve in contravention of a regulation;

- (r) prescribe, and provide for the collection or recovery of, charges or entrance fees to be made of persons entering or desiring to enter a reserve or desiring to use facilities provided on a reserve;
- (s) regulate, restrict or prohibit the parking of vehicles in a reserve;
- (t) regulate, restrict or prohibit camping within a reserve;
- (u) regulate, restrict or prohibit the erection of buildings, signs or other structures in reserves;
- (v) provide for the protection and preservation of buildings, structures, signs and other improvements in reserves;
- (w) exempt, conditionally or unconditionally, Aboriginal persons generally, or Aboriginal persons of a specified class, from all or any of the provisions of this Act in such portions of the State as may be specified in the regulations;
- (x) make any other provision that may in the opinion of the Governor conduce to the preservation or conservation of wildlife;
- (y) prescribe penalties, recoverable summarily, for breach of, or non-compliance with, any regulation;

and

- (z) provide that all or any of the offences arising under the regulations may be expiated by the payment of a fee, stipulated in the regulations, to the Minister within a period specified in the regulations, and that if an offence is so expiated, proceedings cannot be brought in any court for the recovery of a penalty in respect of that offence.

(2a) The Governor may, by regulation, amend schedules 7, 8, 9 and 10 by deleting species of animals or plants from, or including species of animals or plants in, those schedules.

(3) Any fees prescribed under this Act may be differential, varying according to any factor stated in the regulation.

## SCHEDULES

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## SCHEDULE 3

The following areas are hereby constituted National Parks:

Lincoln National Park	Hundred Flinders, Section 2, 3, 5, 6, 12-14 Smith Island, Hopkins Island, Lewis Island, Little Island, Owen Island, Albatross Island, Liguanea Island, Rabbit Island (being Section 395, North out of Hundreds) Curta Rocks Hundred Flinders, Section 4
Flinders Ranges National Park	Hundred Edeowie, Section 148 Hundred Bunyeroo, Section 177 Hundred Parachilna, Section 61 North out of Hundreds, Section 473 North out of Hundreds, Section 333 North out of Hundreds, Section 106
Gammon Ranges National Park	North out of Hundreds, Section 464 North out of Hundreds, Section 35
Innes National Park	Hundred Warrenben, Section 99-102 Islands of Pandalowie Bay (excluding South Island, being Section 88, Hundred Warrenben)
Coorong National Park	Hundred Glyde, Section 17, 60 Hundred Santo, Section 6 Hundred Glyde, Section 59 Hundred Santo, Section 43 Hundred Santo, Section 52
Canunda National Park	Hundred Rivoli Bay, Section 377, 378, 379, 396 Hundred Mayurra, Section 157 Hundred Benara, Section 386
Flinders Chase National Park	Hundred Border, Section 11 Hundred Gosse, Section 64 Hundred McDonald, Section 17 South out of Hundreds, Section 66 Casuarina Islets (The Brothers)
Mount Remarkable National Park	Hundred Winninowie, Section 176 Hundred Wongyarra, Section 471 Hundred Wongyarra, Section 474, 489 Hundred Wongyarra, Section 488 Hundred Baroota, Section 218 Hundred Baroota, Section 216, 217 Hundred Baroota, Section 180, 210, 219

## SCHEDULE 4

The following areas are hereby constituted Conservation Parks:

Nixon-Skinner Conservation Park	Hundred Myponga, Section 245
Ferries-McDonald Conservation Park	Hundred Freeling, Section 266-268, 103, 271, 272, 238, 241, 242, 245, 246
Fairview Conservation Park	Hundred Woolumbool, Section 93, 98
Waitpinga Conservation Park	Hundred Waitpinga, Section 355
Eric Bonython Conservation Park	Hundred Waitpinga, Section 356, 357
Spring Gully Conservation Park	Hundred Clare, Section 568, 572 Hundred Clare, Section 365
Hincks Conservation Park	Hundred Hincks, Section 2 Hundred Murlong, Section 25 Hundred Nicholls, Section 11 Hundred Nicholls, Section 12 North out of Hundreds, Section 365
Peebinga Conservation Park	Hundred Peebinga, Section 21, 22, 31, 19, 30
Hambidge Conservation Park	Hundred Hambidge, Section 7 North out of Hundreds, Section 364
Kellidie Bay Conservation Park	Hundred Lake Wangary, Section 1-13, 21, 273-277, 295
Mount Rescue Conservation Park	Hundred Archibald, Section 7, 8, 9, 10 Hundred Makin, Section 3, 4
Billiatt Conservation Park	Hundred Auld, Section 26 Hundred Billiatt, Section 15, 18
Cleland Conservation Park	Hundred Adelaide, Section 608 Hundred Adelaide, Section 637 Hundred Adelaide, Section 500 Hundred Onkaparinga, Section 424 Hundred Adelaide, Section 920
Horsnell Gully Conservation Park	Hundred Adelaide, Section 609, 618
The Knoll Conservation Park	Hundred Adelaide, Section 612
Penguin Island Conservation Park	Hundred Rivoli Bay, Section 374 South out of Hundreds, Un-numbered Section (Penguin Island)
Mundoora Conservation Park	Hundred Mundoora, Section 439-441 Hundred Mundoora, Section 442
Torrens Island Conservation Park	Hundred Port Adelaide, Section 467
Messent Conservation Park	Hundred Messent, Section 1 Hundred Colebatch, Section 1
Hale Conservation Park	Hundred Barossa, Section 119, 124, 125, 135, 138, 315
Big Heath Conservation Park	Hundred Spence, Section 17-20, 169
Sandy Creek Conservation Park	Hundred Barossa, Section 72 Hundred Barossa, Section 317, 319
Spring Mount Conservation Park	Hundred Encounter Bay, Section 633, 715
Warren Conservation Park	Hundred Barossa, Section 321 Hundred Para Wirra, Section 118, 387, 388
Calectasia Conservation Park	Hundred Short, Section 157
Desert Camp Conservation Park	Hundred Marcollat, Section 87 Hundred Marcollat, Section 105
Guichen Bay Conservation Park	Hundred Waterhouse, Section 360, 361
Jip Jip Conservation Park	Hundred Peacock, Section 86
Mount Magnificent Conservation Park	Hundred Kuitpo, Section 293
Morialta Conservation Park	Hundred Adelaide, Section 833 Hundred Adelaide, Section 834
Elliot Price Conservation Park	North out of Hundreds, Section 49
Mount Boothby Conservation Park	Hundred Colebatch, Section 3
Simpson Desert Conservation Park	North out of Hundreds, Section 48
Ridley Conservation Park	Hundred Ridley, Section 479, 480, 483 Hundred Fisher, Section 144
Yumbarra Conservation Park	North out of Hundreds, Section 457
Beachport Conservation Park	Hundred Lake George, Section 5, 31, 32, 40, 58
Parndana Conservation Park	Hundred Seddon, Section 58
Warrenben Conservation Park	Hundred Warrenben, Section 97 Hundred Warrenben, Section 44, 45, 54

Wittelbee Conservation Park	Hundred Bonython, Section 101
Scott Conservation Park	Hundred Goolwa, Section 218, 347
White's Dam Conservation Park	Hundred Lindley, Section 202 Hundred Lindley, Section 197, 199, 201 Hundred Maude, Section 252
Carcuma Conservation Park	Hundred Carcuma, Section 23
Karte Conservation Park	Hundred Kingsford, Section 3, 4
Piccaninnie Ponds Conservation Park	Hundred Caroline, Section 598, 692
Sleaford Mere Conservation Park	Hundred Sleaford, Section 36
Unnamed Conservation Park	Hundred Messent, Section 14 Hundred Santo, Section 19
Cox's Scrub Conservation Park	Hundred Kondoparinga, Section 1972, 1979-1985
Dudley Conservation Park	Hundred Dudley, Section 294-296, 302, 303
Unnamed Conservation Park	North out of Hundreds, Section 50
Pooginook Conservation Park	Hundred Pooginook, Section 7, 8, 14
Swan Reach Conservation Park	Hundred Fisher, Section 38, 39, 55, 56, 59, 60
Mount Taylor Conservation Park	Hundred Newland, Section 102
Bascombe Well Conservation Park	Hundred Kappawanta, Section 2 Hundred Barwell, Section 29 Hundred Blesing, Section 11 Hundred Cowan, Section 39, 65
Scorpion Springs Conservation Park	Hundred Fisk, Section 16 Hundred Quirke, Section 9, 10 South out of Hundreds, Section 65
Gum Lagoon Conservation Park	Hundred Wells, Section 9, 30 Hundred Petherick, Section 8, 37
Telowie Gorge Conservation Park	Hundred Telowie, Section 439, 491
Penola Conservation Park	Hundred Monbulla, Section 255, 256
Clinton Conservation Park	Hundred Clinton, Section 568
Glen Roy Conservation Park	Hundred Comaum, Section 276, 279, 479
Pinkawillinie Conservation Park	Hundred Pinkawillinie, Section 114 Hundred Panitya, Section 29
Gower Conservation Park	Hundred Hindmarsh, Section 517
Cape Torrens Conservation Park	Hundred Borda, Section 10
Cape Hart Conservation Park	Hundred Dudley, Section 377, 384
Cape Gantheaume Conservation Park	Hundred Haines, Section 258, 275-279, 284 Hundred MacGillivray, Section 66, 67 Hundred Seddon, Section 52 plus Pelorus Island (s.e. from Vivonne Bay)
Western River Conservation Park	Hundred Gosse, Section 8, 47
Vivonne Bay Conservation Park	Hundred Newland, Section 7, 8, 106
Kelly Hill Conservation Park	Hundred Ritchie, Section 5 Hundred Ritchie, Section 9 and 10
Seddon Conservation Park	Hundred Seddon, Section 67
Port Gawler Conservation Park	Hundred Port Gawler, Section 616 Hundred Port Adelaide, Section 483
Kelvin Powrie Conservation Park	Hundred Archibald, Section 34 Hundred Stirling, Section 475
Padthaway Conservation Park	Hundred Parsons, Section 136
Cudlee Creek Conservation Park	Hundred Talunga, Section 57
Montacute Conservation Park	Hundred Onkaparinga, Section 473, 523, 524, 5586, 5587, 5589, 5590
Lowan Conservation Park	Hundred Bowhill, Section 71
Deep Creek Conservation Park	Hundred Waitpinga, Section 130, 216, 217, 365
Lake Gilles Conservation Park	Hundred O'Connor, Section 1-14, 16-20, 43 North out of Hundreds, Pastoral Block 958, Section 316
Whyalla Conservation Park	Hundred Cultana, Section 14
Mount Shaugh Conservation Park	Hundred Shaugh, Section 5
Black Hill Conservation Park	Hundred Adelaide, Section 669, 670, 671 Hundred Onkaparinga, Section 526
Dingley Dell Conservation Park	Hundred MacDonnell, Part Section 138, C.T. Vol. 1231, Fol. 123

Fort Glanville Conservation Park	Hundred Port Adelaide, Part Section 415, C.T. Vol. 1987, Fol. 104
Naracoorte Caves Conservation Park	Hundred Jessie, Section 466 Hundred Joanna, Section 392, 395, 396, 398, 397
Tantanoola Caves Conservation Park	Hundred Hindmarsh, Section 213
Tumby Island Conservation Park	North out of Hundreds, Section 682
Kapunda Island Conservation Park	Hundred Bookpurnong (Kapunda Island) in River Murray
Media Island Conservation Park	Hundred Gordon (Media Island) in River Murray
Rilli Island Conservation Park	Hundred Gordon (Rilli Island) in River Murray
Seal Bay Conservation Park	That portion of Hundred of Seddon, bounded as follows: Commencing at S.W. corner of Section 2, Hundred Seddon, thence generally E. along S. boundary of latter section and across road to S.W. corner of Section 52; generally S.E. along S.W. boundary of latter Section to its intersection with E. boundary of said Hundred; S. along portion of latter boundary to L.W.M.; generally N.W. and W. along portion of said L.W.M. to its intersection with production S.E. of S.W. boundary of Section 2, Hundred Seddon; thence N.W. along said production to point of commencement Nobby Island
Eba Island Conservation Park	In Streaky Bay, adjacent to Hundred Scott, out of Hundreds
West Island Conservation Park	Hundred Waitpinga, Section 360
Nuyt's Archipelago Conservation Park	Eyre Island Franklin Islands, Goat Island, Lacey Island, Lound Island, Purdie Island
Isles of St. Francis Conservation Park	Freeling Island, Smooth Island St. Francis Island (excluding Section 220, North out of Hundreds) Dog Island, Egg Island, Fenelong Island, Masillon Island, West Island, Hart Island
Investigator Group Conservation Park	Topgallant Island, Ward Island, Pearson Island (excluding Section 12 and 13, North out of Hundreds)
Gambier Islands Conservation Park	Three islets S. and W. from Wedge Island North Island
Sir Joseph Banks Group Conservation Park	Blyth Island, Boucaut Island, Duffield Island, English Island, Sibsey Island
Whidbey Isles Conservation Park	Four Hummocks Islands (excluding Southern-most Island) Perforated Island, Price Island Unnamed Island south from Pt. Avoid
Beatrice Islet Conservation Park	Beatrice Islet, N.N.E. from Kingscote
Busby Islet Conservation Park	Busby Islet, N.N.E. from Kingscote
The Pages Conservation Park	The Pages Islands, S.E. from Cape Jervis
Pullen Island Conservation Park	Pullen Island, adjacent Port Elliot
Neptune Islands Conservation Park	North and South Neptunes (excluding southern-most Island of South Neptunes)
Althorpe Islands Conservation Park	Althorpe Islands (excluding Section 13 and 61, South out of Hundreds)
Lipson Island Conservation Park	Lipson Island (N.E. from Tumby Bay)
Olive Island Conservation Park	Olive Island (N.W. from Streaky Bay)
Rocky Island (north) Conservation Park	Rocky Island (N. from Coffin Bay)
Rocky Island (south) Conservation Park	Rocky Island (W. from Four Hummocks)
Sinclair Island Conservation Park	Sinclair Island (E.S.E. from Fowlers Bay)
Cap Island Conservation Park	Cap Island (N.W. from Mount Hope)
Baird Bay Islands Conservation Park	Hundred Wrenfordsley, Section 181, island in Baird Bay Jones Island
Nuyt's Reef Conservation Park	Hundred Wookaia, Nuyt's Reefs south of Cape Adieu
Greenly Island Conservation Park	Hundred Lake Wangary, Greenly Island, 20 miles W.S.W. from Port Whidbey
Mount Dutton Bay Conservation Park	All Islands in Mount Dutton Bay The Brothers, Goat Island and Rabbit Island
Waldegrave Islands Conservation Park	Waldegrave Island and small island west of Waldegrave Island adjacent to Hundred Ward
Pelican Lagoon Conservation Park	Hundred Dudley, Section 475, 476, 477, 478 and 479
Pigface Island Conservation Park	Pigface Island, Hundred Scott, adjacent to Section 54

Avoid Bay Islands Conservation Park	Black Rocks adjacent Coffin Bay Peninsula and small unnamed islands, S.E. from Section 107 and 108, Hundred Lake Wangary
Bird Islands Conservation Park	Bird Islands, S.W. from Wallaroo, Hundred of Wallaroo
Salt Lagoon Islands Conservation Park	Islands E. of Section 78 and 80, Hundred Baker and waters within 5 chains
Maize Island Lagoon Conservation Park	Section 365, 427, Waikerie Irrigation Area, Holder Division, Hundred Holder
Baudin Rocks Conservation Park	Godfrey Islands, north of town of Robe and west from Hundred Waterhouse
Myponga Conservation Park	Hundred Myponga, Section 269 and 270
Belt Hill Conservation Park	Hundred Rivoli Bay, Section 339
Carribie Conservation Park	Hundred Carribie, Section 153
Goose Island Conservation Park	Goose Island and White Rocks Island N.W. of Wardang Island and N.W. from Port Victoria
Kyeema Conservation Park	Hundred Kuitpo, Section 92, 522, 688, 850 and 302
Hacks Lagoon Conservation Park	Hundred Robertson, Section 249

## SCHEDULE 5

The following areas are hereby constituted Game Reserves:

Katarapko Game Reserve	Hundred Katarapko, Cobdogla Irrigation Area, Weigall Division, Section 73, 74
Bool Lagoon Game Reserve	Hundred Robertson, Section 223, 224, Section 356
Coorong Game Reserve	Hundred Santo, that portion of the Coorong situate between a straight line joining Jacks Point to the N.E. corner of Section 5 and a straight line, being the production of the S.E. boundary of Section 5 to the Eastern boundary of the Coorong Teal Island, North Pelican Island, Halfway Island, Pelican Island and Mellor Island Hundred Santo, Section 1, 5, 36 and 37, and 150 link reserve adjacent to Section 5 and 13, Pelican Reef, South Reef, Seagull Island, Snipe Island and Wild Dog Island Hundred Santo, Section 31, 40, 44-48, 50 and 51
Mud Islands Game Reserve	Hundred Baker, Section 642-644, 646-652
Tolderol Game Reserve	Hundred Freeling, Section 349 and 150 link reserve adjacent to section 349
Bucks Lake Game Reserve	Hundred Kongorong, Section 618

## SCHEDULE 6

The following areas are hereby constituted Recreation Parks:

Belair Recreation Park	Hundred Adelaide, Section 675
Para Wirra Recreation Park	Hundred Barossa, Section 311 Hundred Barossa, Section 183-185, 217, 181, 237, 238 and 299 Hundred Para Wirra, Section 423 Hundred Para Wirra, Section 428 Hundred Para Wirra, Section 429
Glossop Recreation Park	Berri Irrigation Area, Section 1444
Totness Recreation Park	Hundred Macclesfield, Section 124
Caratoola Recreation Park	Hundred Haslam, Section 53
Brownhill Creek Recreation Park	Hundred Adelaide, Section 676
Coulthard Recreation Park	Hundred Moorooroo, Part Section 161, C.T. 2362/58
The Elbow Recreation Park	Hundred Adelaide, Part Section 1285, C.T. 1655/79
Ferguson Recreation Park	Hundred Adelaide, Part Section 289, C.T. 367/196, C.T. 2051/ 195
Greenhill Recreation Park	Hundred Adelaide, Section 578
Kingston Park Recreation Park	Hundred Noarlunga, Section 1540, 1541
Lenswood Recreation Park	Hundred Onkaparinga, Part Section 5148, C.T. 2126/186
Loftia Recreation Park	Hundred Noarlunga, Part Section 421 and 422, C.T. 3635/150
Windy Point Recreation Park	Hundred Adelaide, Section 597
Shepherds Hill Recreation Park	Hundred Adelaide, Part Section 14 and Part Section 35, C.T. 2396/141 Hundred Adelaide, Part Section 15, C.T. 3481/181 Hundred Adelaide, Part Section 36, C.T. 2201/97

## SCHEDULE 7

## Endangered Species

## PART I

## ANIMALS

COMMON NAME	SPECIES
Mammals—	DASYURIDAE
*Western Quoll	<i>Dasyurus geoffroii</i> #
*Spotted-tail Quoll	<i>Dasyurus maculatus</i> #
*Eastern Quoll	<i>Dasyurus viverrinus</i> #
*Red-tailed Phascogale	<i>Phascogale calura</i> #
Long-tailed Dunnart	<i>Sminthopsis longicaudata</i>
*Sandhill Dunnart	<i>Sminthopsis psammophila</i>
	MACROPODIDAE
*Burrowing Bettong	<i>Bettongia lesueur</i>
*Brush-tailed Bettong	<i>Bettongia penicillata</i>
Northern Bettong	<i>Bettongia tropica</i>
*Desert Rat-kangaroo	<i>Caloprymnus campestris</i> †
Central Hare-wallaby	<i>Lagorchestes asomatus</i> †
*Rufous Hare-wallaby	<i>Lagorchestes hirsutus</i>
*Eastern Hare-wallaby	<i>Lagorchestes leporides</i> †
Banded Hare-wallaby	<i>Lagostrophus fasciatus</i>
*Toolache Wallaby	<i>Macropus greyi</i> †
Bridled Nail-tail Wallaby	<i>Onychogalea frenata</i>
*Crescent Nail-tail Wallaby	<i>Onychogalea lunata</i> †
*Black-footed Rock-wallaby	<i>Petrogale lateralis</i> #
Prosperpine Rock-wallaby	<i>Petrogale persephone</i>
Broad-faced Potoroo	<i>Potorous platyops</i> †
Long-footed Potoroo	<i>Potorous longipes</i>
*Tasmanian Pademelon	<i>Thylogale billardierii</i> #
	MYRMECOBIIDAE
*Numbat	<i>Myrmecobius fasciatus</i>
	PERAMELIDAE
*Pig-footed Bandicoot	<i>Chaeropus ecaudatus</i> †
*Golden Bandicoot	<i>Isodon auratus</i>
*Western Barred Bandicoot	<i>Perameles bougainville</i>
*Desert Bandicoot	<i>Perameles eremiana</i> †
*Eastern Barred Bandicoot	<i>Perameles gunnii</i> #
	PETAURIDAE
Leadbeater's Possum	<i>Gymnobelideus leadbeateri</i>
*Yellow-bellied Glider	<i>Petaurus ausiralis</i> #
*Sugar Glider	<i>Petaurus breviceps</i> #
	THYLACINIDAE
Thylacine	<i>Thylacinus cynocephalus</i> †
	THYLACOMYIDAE
*Bilby	<i>Macrotis lagotis</i>
*Lesser Bilby	<i>Macrotis leucura</i> †
	VOMBATIDAE
Northern Hairy-nosed Wombat	<i>Lasiorhinus krefftii</i>
	MURIDAE
*White-footed Rabbit-rat	<i>Conihurus albipes</i> †
*Lesser Stick-nest Rat	<i>Leporillus apicalis</i> †
*Greater Stick-nest Rat	<i>Leporillus conditor</i>
Short-tailed Hopping-mouse	<i>Notomys amplius</i> †
Northern Hopping-mouse	<i>Notomys aquilo</i>
*Dusky Hopping-mouse	<i>Notomys fuscus</i>
Long-tailed Hopping-mouse	<i>Notomys longicaudatus</i> †
Big-eared Hopping-mouse	<i>Notomys macrotis</i> †
Darling Downs Hopping-mouse	<i>Notomys mordax</i> †
Alice Springs Mouse	<i>Pseudomys fieldi</i> †
Shark Bay Mouse	<i>Pseudomys praeconis</i>
*Pale Field-rat	<i>Rattus tunneyi</i> #
False Water-rat	<i>Xeromys myoides</i>
Central Rock-rat	<i>Zyzomys pedunculatus</i>
	EMBALLONURIDAE
*Common Sheathtail-bat	<i>Taphozous georgianus</i> #
	MEGADERMATIDAE
*Ghost Bat	<i>Macroderma gigas</i> #
	VESPERTILIONIDAE
*Large-footed Mouse-eared Bat	<i>Myotis adversus</i>
	BALAEINIDAE
*Southern Right Whale	<i>Balaena glacialis australis</i>
	BALANOPTERIDAE
*Blue Whale	<i>Balaenoptera musculus</i>
*Humpback Whale	<i>Megaptera novaeangliae</i>

## SCHEDULE 7

## Endangered Species

## PART I

## ANIMALS—continued

COMMON NAME	SPECIES
Birds—	
Gould's Petrel	PROCELLARIIDAE <i>Pterodroma leucoptera leucoptera</i>
Providence Petrel	<i>Pterodroma solandri</i>
Abbott's Booby	SULIDAE <i>Sula abbotti</i>
Christmas Island Frigatebird	FREGATIDAE <i>Fregata andrewsi</i>
*Little Bittern	ARDEIDAE <i>Ixobrychus minutus</i> #
Red Goshawk	ACCIPITRIDAE <i>Accipiter radiatus</i>
*King Quail	PHASIANIDAE <i>Coturnix chinensis</i> #
Lord Howe Island Woodhen	RALLIDAE <i>Tricholimnas sylvestris</i>
Cocos Buff-banded Rail	<i>Rallus philippenis andrewsi</i>
*Southern Stone Curlew	BURHINIDAE <i>Burhinus grallarius</i> #
Lesser Noddy	LARIDAE <i>Anous tenuirostris</i>
*Little Tern	<i>Sterna albifrons</i>
*Plains Wanderer	PEDIONOMIDAE <i>Pedionomus torquatus</i>
*Glossy Black Cockatoo	PSITTACIDAE <i>Calyptorhynchus lathami</i> #
*Red-tailed Black Cockatoo	<i>Calyptorhynchus magnificus</i> #
Norfolk Island Parrot	<i>Cyanoramphus novaezeelandiae cookii</i>
*Orange-bellied Parrot	<i>Neophema chrysogaster</i>
*Night Parrot	<i>Pezoporus occidentalis</i>
*Ground Parrot	<i>Pezoporus wallicus</i>
*Alexandra's Parrot	<i>Polytelis alexandrae</i>
Coxen's Fig Parrot	<i>Psittaculirostris diopthalma coxeni</i>
Golden-shouldered Parrot	<i>Psephotus chrysopterygius</i>
Hooded Parrot	<i>Psephotus dissimilis</i>
Paradise Parrot	<i>Psephotus pulcherrimus</i> †
Norfolk Island Boobook Owl	STRIGIDAE <i>Ninox novaeseelandiae undulata</i>
Christmas Island Owl	<i>Ninox squamipila natalis</i>
*Masked Owl	TYTONIDAE <i>Tyto novaehollandiae</i> #
Plumed Frogmouth	CAPRIMULGIDAE <i>Podargus ocellatus plumiferus</i>
*Azure Kingfisher	ALCEDINIDAE <i>Ceyx azureus</i> #
Noisy Scrub-bird	ATRICHORNITHIDAE <i>Atrichornis clamosus</i>
Eastern Bristlebird	ACANTHIZIDAE <i>Dasyornis brachypterus</i>
Western Bristlebird	<i>Dasyornis longirostris</i>
Western Rufous Bristlebird	<i>Dasyornis broadbenti litoralis</i>
Forty-spotted Pardalote	<i>Pardalotus quadragintus</i>
*Spotted Quail-thrush	CORVIDAE <i>Cinclosoma punctatum</i> #
*Western Whipbird	<i>Psophodes nigrogularis</i>
Lord Howe Island Currawong	<i>Strepera graculina crissalis</i>
Northern Scrub Robin	EOPSALTRIIDAE <i>Drymodes superciliaris colcloughi</i> †
Carpentarian Grasswren	MALURIDAE <i>Amytornis dorotheae</i>
*Western Grass-wren	<i>Amytornis textilis</i>
Purple-crowned Fairy Wren	<i>Malurus coronatus</i>
*Black-eared Miner	MELIPHAGIDAE <i>Manorina melanotis</i>
Helmeted Honeyeater	<i>Meliphaga melanops cassidix</i>

## SCHEDULE 7

## Endangered Species

## PART I

## ANIMALS—continued

COMMON NAME	SPECIES
Birds—continued	
*Regent Honeyeater	<i>Xanthomyza phrygia</i> #
	POMATOSTOMIDAE
*Grey-crowned Babbler	<i>Pomatostomus temporalis</i> #
	PTILONORHYNCHIDAE
*Spotted Bowerbird	<i>Chlamydera maculata</i> #
	TURDIDAE
Norfolk Island Thrush	<i>Turdus poliocephalus poliocephalus</i>
	ZOSTEROPIDAE
Norfolk Island Silvereye	<i>Zosterops albogularis</i>
Reptiles—	
*Leathery Turtle	DERMOCHELYIDAE
	<i>Dermochelys coriacea</i>
	CHELIDAE
Western Swamp Turtle	<i>Pseudemydura umbrina</i>
	SCINCIDAE
Lancelin Island Striped Skink	<i>Ctenotus lanceolini</i>
Lined Burrowing Skink	<i>Lerista lineata</i>
Pedra Branca Skink	<i>Pseudemoia palfreymani</i>
*Adelaide Bluetongue	<i>Tiliqua adelaidensis</i> †
	PYGOPODIDAE
Unnamed Legless Lizard	<i>Aprasia parapulchella</i>
*Bronzeback Legless Lizard	<i>Ophidiocephalus taeniatus</i>
	ELAPIDAE
Broad-headed Snake	<i>Hoplocephalus bungaroides</i>
Black-striped Snake	<i>Vermicella calonota</i>
† Considered Extinct	
* Recorded in South Australia	
# Not Endangered at National Level	

## PART II

## PLANTS—continued

COMMON NAME	SPECIES
Pussytail	AMARANTHACEAE
	<i>Ptilotus beckerianus</i>
	ASPIDIACEAE
Shiny shield fern	<i>Lastreopsis acuminata</i>
	ASPLENIACEAE
Hens and chickens	<i>Asplenium bulbiferum</i>
	BLECHNACEAE
Lance water fern	<i>Blechnum chamberii</i>
	CAMPANULACEAE
Swamp isotome	<i>Isotoma fluviatilis</i>
	CHENOPODIACEAE
—	<i>Atriplex kochiana</i>
	COMPOSITAE
Stiff daisy	<i>Brachycome angustifolia</i>
—	<i>Brachycome muelleri</i>
Scaly haeckeria	<i>Haeckeria pholidota</i>
Pale everlasting	<i>Helichrysum rutidolepis</i>
Moth daisy-bush	<i>Olearia erubescens</i>
Swamp daisy-bush	<i>Olearia glandulosa</i>
Sticky daisy-bush	<i>Olearia glutinosa</i>
Small-flowered daisy-bush	<i>Olearia microdisca</i>
Groundsel	<i>Senecio megaglossus</i>
	CRUCIFERAE
—	<i>Phlegmatospermum richardsii</i>
	CYPERACEAE
Leafy flat-sedge	<i>Cyperus lucidus</i>
Button grass	<i>Gymnoschoenus sphaerocephalus</i>

SCHEDULE 7  
Endangered Species

PART II  
PLANTS—continued

COMMON NAME	SPECIES
Bats wing fern	DENNSTAEDTIACEAE <i>Histiopteris incisa</i>
Peninsula guinea flower	DILLENACEAE <i>Hibbertia paeninsularis</i>
Salt pipe-wort	ERIOCAULACEAE <i>Eriocaulon carsonii</i>
Sea heath Sea heath Sea heath	FRANKENIACEAE <i>Frankenia cupularis</i> <i>Frankenia subteres</i> <i>Frankenia plicata</i>
Creeping fan flower	GOODENIACEAE <i>Scaevola hookeri</i>
Bent grass Bent grass Tussock grass	GRAMINEAE <i>Agrostis aequata</i> <i>Deyeuxia minor</i> <i>Poa morrisii</i>
Prickly raspwort	HALORAGACEAE <i>Haloragis eyreana</i>
Mint-bush	LABIATAE <i>Prostanthera eurybioides</i>
Spidery wattle Hairy-pod wattle Three-nerved wattle	LEGUMINOSAE <i>Acacia araneosa</i> <i>Acacia glandulicarpa</i> <i>Acacia trineura</i> <i>Bossiaea ensata</i>
Grey parrot pea Clover glycine Small scurf pea Tufted bush pea Yellow swainson pea Leafy templetonia	<i>Dillwynia cinerascens</i> <i>Glycine latrobeana</i> <i>Psoralea parva</i> <i>Pultenaea trichophylla</i> <i>Swainsona laxa</i> var. <i>laxa</i> <i>Templetonia stenophylla</i>
Yellow bladderwort Small bladderwort	LENTIBULARIACEAE <i>Utricularia australis</i> <i>Utricularia lateriflora</i>
Pale vanilla-lily Fringe lily	LILIACEAE <i>Arthropodium milleflorum</i> <i>Thysanotus wangiariensis</i> <i>Wurmbea latifolia</i>
Bushy club moss Bog club moss	LYCOPODIACEAE <i>Lycopodium deuterodensum</i> <i>Lycopodium serpentinum</i>
Emu bush	MYOPORACEAE <i>Eremophila pentaptera</i>
Broad-leaved box	MYRTACEAE <i>Eucalyptus behriana</i>
Green bird-orchid Dainty bird-orchid Swamp helmet-orchid Moose orchid Leafy green-hood Metallic sun-orchid Spiral-leaved sun-orchid Sun-orchid	ORCHIDACEAE <i>Chiloglottis cornuta</i> <i>Chiloglottis trapeziformis</i> <i>Corybas fordhamii</i> <i>Cryptostylis subulata</i> <i>Pterostylis cucullata</i> <i>Thelymitra epipactoides</i> <i>Thelymitra matthewsii</i> <i>Thelymitra merranae</i>
King fern	OSMUNDACEAE <i>Todea barbara</i>
Tassel cord-rush	RESTIACEAE <i>Restio tetraphyllus</i>
Matted nertera	RUBIACEAE <i>Nertera granadensis</i>

SCHEDULE 7  
Endangered Species

PART II  
PLANTS—continued

COMMON NAME	SPECIES
Desert phebalium	RUTACEAE <i>Phebalium glandulosum</i>
Trailing hop bush	SAPINDACEAE <i>Dodonaea procumbens</i>
Hop bush	<i>Dodonaea subglandulifera</i>
Streaked hop bush	<i>Dodonaea tepperi</i>
Purple eyebright	SCROPHULARIACEAE <i>Euphrasia collina</i> ssp. <i>osbornii</i> <i>Euphrasia collina</i> ssp. <i>trichocalycina</i>
Trigger plant	STYLIDIACEAE <i>Stylidium beaugleholei</i>
Tall riceflower	THYMELAEACEAE <i>Pimelea ligustrina</i>
Sand hill riceflower	<i>Pimelea penicillaris</i>
Australian carraway	UMBELLIFERAE <i>Oreomyrrhis eriopoda</i>
Slender Platysace	<i>Platysace heterophylla</i> var. <i>tepperi</i>
Showy violet	VIOLACEAE <i>Viola betonicifolia</i> ssp. <i>betonicifolia</i>
Small grass-tree	XANTHORRHAEEACEAE <i>Xanthorrhoea minor</i> ssp. <i>lutea</i>

SCHEDULE 8  
Vulnerable Species

PART I  
ANIMALS

COMMON NAME	SPECIES
Mammals—	
Eastern Grey Kangaroo	MACROPODIDAE <i>Macropus giganteus</i>
Swamp Wallaby	<i>Wallabia bicolor</i>
Southern Brown Bandicoot	PERAMELIDAE <i>Isodon obesulus</i>
Common Wombat	VOMBATIDAE <i>Vombatus ursinus</i>
New Zealand Fur-seal	OTARIIDAE <i>Arctocephalus forsteri</i>
Australian Sea-lion	<i>Neophoca cinerea</i>
Birds—	
Little Egret	ARDEIDAE <i>Ardea garzetta</i>
Australasian Bittern	<i>Botaurus poiciloptilus</i>
Freckled Duck	ANATIDAE <i>Stictonetta naevosa</i>
Square-tailed Kite	ACCIPITRIDAE <i>Lophoictinia isura</i>
Grey Falcon	FALCONIDAE <i>Falco hypoleucos</i>
Malleefowl	MEGAPODIIDAE <i>Leipoa ocellata</i>
Swamp Quail	PHASIANIDAE <i>Coturnix ypsilophora</i>
Brolga	GRUIDAE <i>Grus rubicundus</i>
Australian Bustard	OTIDIDAE <i>Ardeotis australis</i>
Painted Button-quail	TURNICIDAE <i>Turnix varia</i>
Hooded Plover	CHARADRIIDAE <i>Charadrius rubricollis</i>
Fairy Tern	LARIDAE <i>Sterna nereis</i>
Painted Snipe	ROSTRATULIDAE <i>Rostratula benghalensis</i>
Latham's Snipe	SCOLOPACIDAE <i>Gallinago hardwickii</i>
Eastern Curlew	<i>Numenius madagascariensis</i>
Spinifex Pigeon	COLUMBIDAE <i>Geophaps plumifera</i>
Pink Cockatoo	PSITTACIDAE <i>Cacatua leadbeateri</i>
Yellow-tailed Black Cockatoo	<i>Calyptorhynchus funereus</i>
Little Lorikeet	<i>Glossopsitta pusilla</i>
Swift Parrot	<i>Lathamus discolor</i>
Blue-winged Parrot	<i>Neophema chrysostoma</i>
Naretha Bluebonnet	<i>Northiella narethae</i>
Regent Parrot	<i>Polytelis anthopeplus</i>
Barking Owl	STRIGIDAE <i>Ninox connivens</i>
Slender-billed Thornbill	ACANTHIZIDAE <i>Acanthiza iredalei</i>
Chestnut-breasted Whiteface	<i>Aphelocephala pectoralis</i>
Shy Hylacola	<i>Hylacola cauta</i>
Chestnut-rumped Hylacola	<i>Hylacola pyrrhopygia</i>
Rufous Bristlebird	<i>Dasyornis broadbenti broadbenti</i>
Spotted Pardalote	<i>Pardalotus punctatus</i>
Rufous Treecreeper	CLIMACTERIDAE <i>Climacteris rufa</i>
Chestnut Quail-thrush	CORVIDAE <i>Cinclosoma castanotum</i>
White-winged Chough	<i>Corcorax melanorhamphos</i>
Satin Flycatcher	<i>Myiagra cyanoleuca</i>

## SCHEDULE 8

## Vulnerable Species

## PART I

ANIMALS—*continued*

COMMON NAME	SPECIES
<i>Birds—continued</i>	
Olive Whistler	<i>Pachycephala olivacea</i>
Red-lored Whistler	<i>Pachycephala rufogularis</i>
	EOPSALTRIIDAE
Eastern Yellow Robin	<i>Eopsaltria australis</i>
	MALURIDAE
Striated Grasswren	<i>Amytornis striatus</i>
Blue-breasted Wren	<i>Malurus pulcherrimus</i>
Rufous-crowned Emu-wren	<i>Stipiturus ruficeps mallee</i>
	MELIPHAGIDAE
Yellow Chat	<i>Ephthianura crocea</i>
Striped Honeyeater	<i>Plectorhyncha lanceolata</i>

## PART II

## PLANTS

COMMON NAME	SPECIES
	AIZOACEAE
Ridged noon flower	<i>Sarcozona bicarinata</i>
	ALISMATACEAE
Star fruit	<i>Damasonium minus</i>
—	BORAGINACEAE
—	<i>Embadium johnstonii</i>
	<i>Plagiobothrys orthostatus</i>
	CARYOPHYLLACEAE
Coast colobanthus	<i>Colobanthus apetalus</i> var. <i>apetalus</i>
Starwort	<i>Stellaria caespitosa</i>
	CHENOPODIACEAE
Bluebush	<i>Maireana melanocarpa</i>
Lax blue bush	<i>Maireana suaeifolia</i>
—	<i>Malacocera gracilis</i>
	COMPOSITAE
—	<i>Basedowia tenerrima</i>
Swamp daisy	<i>Brachycome cardiocarpa</i>
Large-headed daisy	<i>Brachycome diversifolia</i>
Southern daisy	<i>Brachycome readeri</i>
—	<i>Brachycome uliginosa</i>
—	<i>Brachycome xanthocarpa</i>
—	<i>Elachanthus glaber</i>
Woolly-glandular daisy-bush	<i>Olearia adenolasia</i>
—	<i>Pleuropappus phyllocalymmeus</i>
	CRUCIFERAE
—	<i>Microlepidium alatum</i>
Spreading cress	<i>Phlegmatospermum eremaicum</i>
	CUSCUTACEAE
Dodder	<i>Cuscuta victoriana</i>
	CYPERACEAE
Thatch saw-sedge	<i>Gahnia radula</i>
	DILLENIACEAE
Guinea flower	<i>Hibbertia crispula</i>
	EUPHORBIACEAE
Kangaroo Island turpentine bush	<i>Beyeria subsecta</i>
Fringed pseudanthus	<i>Pseudanthus micranthus</i>
	GENTIANACEAE
Mountain gentian	<i>Gentianella diemensis</i>
	GOODENIACEAE
Goodenia	<i>Goodenia chambersii</i>
Goodenia	<i>Goodenia lobata</i>
Dune fan flower	<i>Scaevola calendulacea</i>

## SCHEDULE 8

## Vulnerable Species

## PART II

## PLANTS—continued

COMMON NAME	SPECIES
	GRAMINEAE
Pointed swamp wallaby-grass	<i>Amphibromus archeri</i>
Dark swamp wallaby-grass	<i>Amphibromus recurvatus</i>
Red-leg grass	<i>Bothriochloa macra</i>
Rough-bearded grass	<i>Echinopogon ovatus</i>
Five-awned spear-grass	<i>Pentapogon quadrifidus</i>
Tussock grass	<i>Poa meioneetes</i>
Spear grass	<i>Stipa plumigera</i>
Hairy rice-grass	<i>Tetrarrhena distichophylla</i>
	JUNCAGINACEAE
Tiny arrowgrass	<i>Triglochin turriferum</i>
	LABIATAE
Red mint-bush	<i>Prostanthera calycina</i>
	LEGUMINOSAE
Wyrilda	<i>Acacia confluens</i>
Jumping Jack wattle	<i>Acacia enterocarpa</i>
Imbricate wattle	<i>Acacia imbricata</i>
Streaked wattle	<i>Acacia lineata</i>
Mitchell's wattle	<i>Acacia mitchellii</i>
—	<i>Acacia pickardii</i>
Neat wattle	<i>Acacia rheticocarpa</i>
Sweet wattle	<i>Acacia suaveolens</i>
—	<i>Acacia symonii</i>
Barbed-wire bush	<i>Daviesia pectinata</i>
Common hovea	<i>Hovea heterophylla</i>
—	<i>Swainsona minutiflora</i>
Creeping darling pea	<i>Swainsona viridis</i>
	LENTIBULARIACEAE
Violet bladderwort	<i>Utricularia violacea</i>
	LILIACEAE
Blue tinsel-lily	<i>Calcectasia cyanea</i> var. <i>intermedia</i>
Tufted blue-lily	<i>Stypandra caespitosa</i>
Nodding blue-lily	<i>Stypandra glauca</i>
Common fringe-lily	<i>Thysanotus tuberosus</i>
	LOGANIACEAE
Island logania	<i>Logania insularis</i>
	LORANTHACEAE
Creeping mistletoe	<i>Muellerina eucalyptoides</i>
	LYTHRACEAE
Purple loosestrife	<i>Lythrum salicaria</i>
	MENYANTHACEAE
Lax marsh-flower	<i>Villarsia umbricola</i> var. <i>beagleholei</i>
	MYOPORACEAE
Emu bush	<i>Eremophila barbata</i>
	MYRTACEAE
White box	<i>Eucalyptus albens</i>
Snow gum	<i>Eucalyptus pauciflora</i>
	ORCHIDACEAE
Hooded caladenia	<i>Caladenia cucullata</i>
Bayonet caladenia	<i>Caladenia gladiolata</i>
Ovate spider-orchid	<i>Caladenia ovata</i>
White spider-orchid	<i>Caladenia rigida</i>
Large duck-orchid	<i>Caleana major</i>
Red beard-orchid	<i>Calochilus paludosus</i>
Onion-orchid	<i>Microtis orbicularis</i>
Small duck-orchid	<i>Paracaleana minor</i>
Pale leek-orchid	<i>Prasophyllum pallidum</i>
	PROTEACEAE
Spider flower or grevillea	<i>Grevillea muricata</i>
Spider flower or grevillea	<i>Grevillea rogersi</i>
	RANUNCULACEAE
Australian clematis	<i>Clematis aristata</i>

SCHEDULE 8  
Vulnerable Species

PART II  
PLANTS—continued

COMMON NAME	SPECIES
Kangaroo Island pomaderris	RHAMNACEAE <i>Pomaderris halmaturina</i>
Butterfly spyridium	<i>Spyridium coactiliferum</i>
Silvery leucopogon	<i>Spyridium leucopogon</i>
Broad-leaved woodruff	RUBIACEAE <i>Asperula euryphylla</i> var. <i>tetraphylla</i>
Downy star bush	RUTACEAE <i>Asterolasia pheballoides</i>
Bendigo wax-flower	<i>Eriostemon verrucosus</i>
Forked comb fern	SCHIZAEACEAE <i>Schizaea bifida</i>
Narrow comb fern	<i>Schizaea fistulosa</i>
Swamp mazus	SCROPHULARIACEAE <i>Mazus pumilio</i>
Candles	STACKHOUSIACEAE <i>Stackhousia annua</i>
Blue devil	UMBELLIFERAE <i>Eryngium rostratum</i>
Twin leaf	ZYGOPHYLLACEAE <i>Zygophyllum crassimum</i>

## SCHEDULE 9

## Rare Species

## PART I

## ANIMALS

COMMON NAME	SPECIES
Mammals—	
Platypus	ORNITHORHYNCHIDAE <i>Ornithorhynchus anatinus</i>
Eastern Pigmy-possum	BURRAMYIDAE <i>Cercartetus nanus</i>
Kultarr	DASYURIDAE <i>Antechinomys laniger</i>
Swamp Antechinus	<i>Antechinus minimus</i>
Kowari	<i>Dasyuroides byrnei</i>
Wongai Ningau	<i>Ningau ridei</i>
Brush-tailed Phascogale	<i>Phascogale tapoatafa</i>
Common Dunnart	<i>Sminthopsis murina</i>
Red-necked Wallaby	MACROPODIDAE <i>Macropus rufogriseus</i>
Koala	PHASCOLARCTIDAE <i>Phascolarctos cinereus</i>
Forrest's Mouse	MURIDAE <i>Leggadina forresti</i>
Fawn Hopping-mouse	<i>Notomys cervinus</i>
Plain's Rat	<i>Pseudomys australis</i>
Desert Mouse	<i>Pseudomys desertor</i>
Yellow-bellied Sheathtail-Bat	EMBALLONURIDAE <i>Saccolaimus flaviventris</i>
Little Pied Bat	VESPERTILIONIDAE <i>Chalinolobus picatus</i>
Large Forest Eptesicus	<i>Eptesicus sagittula</i>
Common Bent-wing Bat	<i>Miniopterus schreibersii</i>
Greater Long-eared Bat	<i>Nyctophilus timoriensis</i>
Australian Fur Seal	OTARIIDAE <i>Arctocephalus pusillus</i>
Pygmy Right Whale	BALAENIDAE <i>Caperea marginata</i>
Minke Whale	BALAENOPTERIDAE <i>Balaenoptera acutorostrata</i>
Bryde's Whale	<i>Balaenoptera edeni</i>
Fin Whale	<i>Balaenoptera physalus</i>
Risso's Dolphin	DELPHINIDAE <i>Grampus griseus</i>
Killer Whale	<i>Orcinus orca</i>
False Killer Whale	<i>Pseudorca crassidens</i>
Pygmy Sperm Whale	PHYSETERIDAE <i>Kogia breviceps</i>
Dwarf Sperm Whale	<i>Kogia simus</i>
Sperm Whale	<i>Physeter macrocephalus</i>
Arnoux's Beaked Whale	ZIPHIIDAE <i>Berardius arnuxii</i>
Southern Bottlenosed Whale	<i>Hyperoodon planifrons</i>
Andrew's Beaked Whale	<i>Mesoplodon bowdoini</i>
Gray's Beaked Whale	<i>Mesoplodon grayi</i>
Strap-toothed Beaked Whale	<i>Mesoplodon layardii</i>
Tasman Beaked Whale	<i>Tasmacetus shepherdi</i>
Cuvier's Beaked Whale	<i>Ziphius cavirostris</i>
Birds—	
Great Crested Grebe	PODICIPEDIDAE <i>Podiceps cristatus</i>
Darter	ANHINGIDAE <i>Anhinga melanogaster</i>
Intermediate Egret	ARDEIDAE <i>Ardea intermedia</i>
Eastern Reef Egret	<i>Ardea sacra</i>
Glossy Ibis	THRESKIORNITHIDAE <i>Plegadis falcinellus</i>
Australasian Shoveler	ANATIDAE <i>Anas rhynchotis</i>
Hardhead	<i>Aythya australis</i>
Plumed Whistling-duck	<i>Dendrocygna eytoni</i>
Blue-billed Duck	<i>Oxyura australis</i>

## SCHEDULE 9

## Rare Species

## PART I

## ANIMALS—continued

COMMON NAME	SPECIES
Birds—continued	
Letter-winged Kite	ACCIPITRIDAE
Black-breasted Buzzard	<i>Elanus scriptus</i>
	<i>Hamirostra melanosternon</i>
	FALCONIDAE
Peregrine Falcon	<i>Falco peregrinus</i>
	PANDIONIDAE
Osprey	<i>Pandion haliaetus</i>
	TURNICIDAE
Red-chested Button-quail	<i>Turnix pyrrhоторax</i>
	RALLIDAE
Baillon's Crake	<i>Porzana pusilla</i>
Lewin's Rail	<i>Rallus pectoralis</i>
	LARIDAE
White-winged Tern	<i>Chlidonias leucopterus</i>
Kelp Gull	<i>Larus dominicanus</i>
	SCOLOPACIDAE
Sanderling	<i>Calidris alba</i>
Whimbrel	<i>Numenius phaeopus</i>
	COLUMBIDAE
Flock Bronzewing	<i>Phaps histrionica</i>
	PSITTACIDAE
Red-winged Parrot	<i>Aprosmictus erythropterus</i>
Gang-gang Cockatoo	<i>Callocephalon fimbriatum</i>
Bourke's Parrot	<i>Neophema bourkii</i>
Scarlet-chested Parrot	<i>Neophema splendida</i>
	CUCULIDAE
Shining Bronze-cuckoo	<i>Chrysococcyx lucidus</i>
	STRIGIDAE
Powerful Owl	<i>Ninox strenua</i>
	ACANTHIZIDAE
Banded Whiteface	<i>Aphelocephala nigricincta</i>
Western Gerygone	<i>Gerygone fusca</i>
White-throated Gerygone	<i>Gerygone olivacea</i>
	CISTICOLIDAE
Golden-headed Cisticola	<i>Cisticola exilis</i>
	CLIMACTERIDAE
White-browed Treecreeper	<i>Climacteris affinis</i>
	CORVIDAE
Nullarbor Quail-thrush	<i>Cinclosoma alisteri</i>
Apostlebird	<i>Struthidea cinerea</i>
Little Woodswallow	<i>Artamus minor</i>
White-bellied Cuckoo-shrike	<i>Coracina papuensis</i>
Olive-backed Oriole	<i>Oriolus sagittatus</i>
Gilbert's Whistler	<i>Pachycephala inornata</i>
	EOPSALTRIIDAE
Flame Robin	<i>Petroica phoenicea</i>
Rose Robin	<i>Petroica rosea</i>
	MALURIDAE
Grey Grasswren	<i>Amytornis barbatus</i>
Southern Emu-wren	<i>Stipiturus malachurus</i>
	MELIPHAGIDAE
Pied Honeyeater	<i>Certhionyx variegatus</i>
Grey Honeyeater	<i>Conopophila whitei</i>
Blue-faced Honeyeater	<i>Entomyzon cyanotis</i>
Brown Honeyeater	<i>Lichmera indistincta</i>
Fuscous Honeyeater	<i>Meliphaga fusca</i>
Black-chinned Honeyeater	<i>Melithreptus gularis</i>
Little Friarbird	<i>Philemon citreogularis</i>
Black Honeyeater	<i>Sugomel niger</i>
	PLOCEIDAE
Beautiful Firetail	<i>Emblema bellum</i>
Diamond Firetail	<i>Emblema guttatum</i>
Painted Firetail	<i>Emblema pictum</i>

## National Parks and Wildlife Act, 1972

## SCHEDULE 9

## Rare Species

## PART I

## ANIMALS—continued

COMMON NAME	SPECIES
Birds—continued	
Western Bowerbird	PTILONORHYNCHIDAE <i>Chlamydera guttata</i>
White's Thrush	TURDIDAE <i>Zoothera lunulata</i>

## PART II

## PLANTS

COMMON NAME	SPECIES
Maiden hair fern	ADIANTACEAE <i>Adiantum capillus-veneris</i>
Hairy heads	AMARANTHACEAE <i>Ptilotus erubescens</i>
Common spleenwort	ASPLENIACEAE <i>Asplenium trichomanes</i>
Long-scaped isotome Poison pratia	CAMPANULACEAE <i>Isotoma scapigera</i> <i>Pratia concolor</i>
Cushion knawel Rayless starwort	CARYOPHYLLACEAE <i>Scleranthus minusculus</i> <i>Stellaria multiflora</i>
Kangaroo Island daisy Dogwood haeckeria	COMPOSITAE <i>Achnophora tatei</i> <i>Brachycome cuneifolia</i> <i>Haeckeria cassiniaeformis</i>
Bushy peppergrass Peppergrass Veined peppergrass	CRUCIFERAE <i>Lepidium desvauxii</i> <i>Lepidium hyssopifolium</i> <i>Lepidium rotundum</i>
Club-rush Star club-rush Bog-rush	CYPERACEAE <i>Isolepis producta</i> <i>Isolepis stellata</i> <i>Schoenus discifer</i>
Ruddy Ground-fern	DENNSTAEDTIACEAE <i>Hypolepis rugosula</i>
Forked sundew	DROSERACEAE <i>Drosera binata</i>
Kangaroo Island ground berry Pink swamp heath Golden heath	EPACRIDACEAE <i>Acrotiche halmaturina</i> <i>Sprengelia incarnata</i> <i>Styphelia adscendens</i>
Grooved dampiera Spreading goodenia Velleia	GOODENIACEAE <i>Dampiera lanceolata</i> var. <i>intermedia</i> <i>Goodenia heteromera</i> <i>Velleia cynopotamica</i>
Bent grass Plume grass Tussock grass Tussock grass Spear grass Manila grass	GRAMINEAE <i>Deyeuxia densa</i> <i>Dichelachne inaequiglumis</i> <i>Poa halmaturina</i> <i>Poa rodwayi</i> <i>Stipa multispiculis</i> <i>Zoysia matrella</i>
Six-point arrowgrass	JUNCAGINACEAE <i>Triglochin hexagonum</i>
Slender mint	LABIATAE <i>Mentha diemenica</i>
Needle wattle Graceful wattle Quorn wattle Dagger-leaved wattle	LEGUMINOSAE <i>Acacia carnei</i> <i>Acacia gracilifolia</i> <i>Acacia quornensis</i> <i>Acacia rhizophylla</i>

## SCHEDULE 9

## Rare Species

## PART II

## PLANTS—continued

COMMON NAME	SPECIES
Bitter pea	<i>Daviesia stricta</i>
Rusty pods	<i>Hovea longifolia</i> var. <i>longifolia</i>
—	<i>Leptorhynchos scabrus</i>
Clustered bush pea	<i>Pultenaea dentata</i>
Rough bush pea	<i>Pultenaea scabra</i>
Kangaroo Island bush-pea	<i>Pultenaea trifida</i>
Ashy-haired swainsona	<i>Swainsona tephrotricha</i>
	<b>LILIACEAE</b>
Fringe-lily	<i>Thysanotus fractiflexus</i>
Fringe-lily	<i>Thysanotus tenellus</i>
	<b>LYCOPODIACEAE</b>
Slender club moss	<i>Lycopodium laterale</i>
	<b>MYRTACEAE</b>
Crimson mallee	<i>Eucalyptus lansdowneana</i> ssp. <i>lansdowneana</i>
Candlebark gum	<i>Eucalyptus rubida</i>
Wrinkled honey-myrtle	<i>Melaleuca corrugata</i>
Pungent honey-myrtle	<i>Melaleuca leiocarpa</i>
Pointed-leaved honey-myrtle	<i>Melaleuca oxyphylla</i>
	<b>ORCHIDACEAE</b>
Limestone spider-orchid	<i>Caladenia bicallata</i>
Plain-lipped spider-orchid	<i>Caladenia clavigera</i>
Black tongue caladenia	<i>Caladenia congesta</i>
Brown beards	<i>Calochilus robertsonii</i>
Small helmet-orchid	<i>Corybas unguiculatus</i>
Late donkey-orchid	<i>Diuris brevifolia</i>
Tiger-orchid	<i>Diuris sulphurea</i>
Cinnamon bells	<i>Gastrodia sesamoides</i>
Horned orchid	<i>Orthoceras strictum</i>
Leopard sun-orchid	<i>Thelymitra fuscolutea</i> var. <i>fuscolutea</i>
	<b>PORTULACACEAE</b>
—	<i>Anacampseros australiana</i>
	<b>PROTEACEAE</b>
Prickly grevillea	<i>Grevillea aquifolium</i>
Spider flower or grevillea	<i>Grevillea biternata</i>
Five-nerved grevillea	<i>Grevillea quinquenervis</i>
Spider flower or grevillea	<i>Grevillea umbellifera</i>
Hakea	<i>Hakea aenigma</i>
	<b>RANUNCULACEAE</b>
Slender buttercup	<i>Ranunculus robertsonii</i>
	<b>RESTIONACEAE</b>
Scale-rush	<i>Lepyrodia valliculae</i>
	<b>RHAMNACEAE</b>
Rough cryptandra	<i>Cryptandra hispidula</i>
—	<i>Pomaderris forrestiana</i>
	<b>RUBIACEAE</b>
Water woodruff	<i>Asperula subsimplex</i>
Dwarf nertera	<i>Nertera reptans</i>
	<b>RUTACEAE</b>
—	<i>Asterolasia muricata</i>
Spreading phebalium	<i>Phebalium brachyphyllum</i>
Phebalium	<i>Phebalium hillebrandii</i>
Pink zieria	<i>Zieria veronicea</i>
	<b>SANTALACEAE</b>
Pale-fruit ballart	<i>Exocarpos strictus</i>
Currant bush	<i>Leptomeria preissiana</i>
Sandalwood	<i>Santalum spicatum</i>
	<b>SAPINDACEAE</b>
Hop bush	<i>Dodonaea intricata</i>
	<b>SCROPHULARIACEAE</b>
Port Lincoln speedwell	<i>Veronica parkalliana</i>
	<b>STYLIDIACEAE</b>
Kangaroo Island trigger-plant	<i>Stylidium tepperanum</i>

## SCHEDULE 9

## Rare Species

## PART II

PLANTS—*continued*

COMMON NAME	SPECIES
Soft shield-fern	THELYPTERIDACEAE <i>Christella dentata</i>
Riceflower	THYMELAEACEAE <i>Pimelea macrostegia</i>
Prostrate blue devil Hairy pennywort	UMBELLIFERAE <i>Eryngium vesiculosum</i> <i>Hydrocotyle hirta</i>
Tall yellow-eye	XYRIDACEAE <i>Xyris operculata</i>

## SCHEDULE 10

## UNPROTECTED SPECIES

Zebra Finch (*Poephila guttata*)  
Budgerygah (*Melopsittacus undulatus*)  
Red Wattlebird (*Anthochaera chrysoptera*)  
Grey-backed Silvereye (*Zosterops lateralis halmaturina*)  
Galah (*Cacatua roseicapilla*)  
Little Corella (*Cacatua sanguinea*)  
Australian Raven (*Corvus coronoides*)  
Little Crow (*Corvus bennetti*)  
Australian Crow (*Corvus orru ceciliae*)  
Little Raven (*Corvus mellori*)  
Wild Dog (Dingo) (*Canis familiaris*)

## APPENDIX

## Legislative History

The National Parks and Wildlife Act, 1972, repealed the following Acts:

Fauna and Flora Reserve Act, 1919  
 Fauna and Flora Reserve Act Amendment Act, 1940  
 Fauna Conservation Act, 1964  
 Fauna Conservation Act Amendment Act, 1965  
 National Parks Act, 1966  
 The National Pleasure Resorts Act, 1914  
 National Pleasure Resorts Act Amendment Act, 1960  
 Native Plants Protection Act, 1936

The National Parks and Wildlife Act, 1972, amended the following Acts:

The Lands for Public Purposes Acquisition Act, 1914  
 Statute Law Revision Act, 1935

Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 7 of The Public General Acts of South Australia 1837-1975 at page 540.

Section 2:	deleted in pursuance of the Acts Republication Act, 1967, as its function is now exhausted
Section 3:	deleted in pursuance of the Acts Republication Act, 1967, as its function is now exhausted
Section 4:	amended by 35, 1978, s. 3; 100, 1978, s. 3; repealed by 94, 1987, Sched.
Section 5:	definition of "aircraft" inserted by 94, 1987, s. 3(a) definition of "the Advisory Council" or "the Council" repealed by 100, 1978, s. 4(b) definition of "appointed member" repealed by 100, 1978, s. 4(a) definition of "carcass" substituted by 94, 1987, s. 3(b) definition of "the Chief Executive Officer" inserted by 94, 1987, s. 3(j) definition of "Crown lands" repealed and definition of "Crown land" inserted in its place by 94, 1987, Sched. definition of "the Department" substituted by 94, 1987, s. 3(k) definition of "the Director" amended by 94, 1987, s. 3(l) definition of "endangered species" inserted by 94, 1987, s. 3(c) definition of "mining production tenement" inserted by 94, 1987, s. 3(d) definition of "mining tenement" inserted by 94, 1987, s. 3(d) definition of "the Minister" repealed by 94, 1987, s. 3(m) definition of "minor alterations or additions to a public road" inserted by 94, 1987, s. 3(d) definition of "the Permanent Head" repealed by 94, 1987, s. 3(n) definition of "plant" substituted by 94, 1987, s. 3(e) definition of "premises" inserted by 94, 1987, s. 3(e) definition of "protected animal" amended by 94, 1987, s. 3(f) definition of "protected native plant" repealed by 94, 1987, s. 3(g) definition of "protected wildflower" repealed by 94, 1987, s. 3(g) definition of "public road" inserted by 94, 1987, s. 3(g) definition of "rare species" substituted by 94, 1987, s. 3(g) definition of "reserve" substituted by 94, 1987, s. 3(h) definition of "the Reserves Advisory Committee" or "the Committee" inserted by 100, 1978, s. 4(c) definition of "take" amended by 94, 1987, s. 3(i) definition of "threatened species" repealed by 94, 1987, s. 3(o) definition of "vehicle" inserted by 94, 1987, s. 3(p) definition of "vulnerable species" inserted by 94, 1987, s. 3(p) definition of "wildflower" repealed by 94, 1987, s. 3(q)
Heading preceding section 6:	amended by 94, 1987, s. 4
Section 6(1):	substituted by 94, 1987, Sched.
Section 6(2):	amended by 94, 1987, Sched.
Sections 7 and 8:	repealed by 94, 1987, Sched.
Section 9(2):	substituted by 94, 1987, Sched.
Section 10(2):	amended by 94, 1987, Sched.
Section 11(3):	amended by 100, 1978, s. 5; 94, 1987, Sched.
Section 12:	substituted by 94, 1987, s. 5
Sections 13 and 14:	substituted by 94, 1987, s. 6
	Division II of Part II comprising ss. 15-19 and heading substituted by 100, 1978, s. 6
Section 15(3):	amended by 94, 1987, Sched.
Section 16(1):	amended by 94, 1987, Sched.
Section 16(3):	substituted by 94, 1987, Sched.
Section 17(1)-(4):	amended by 94, 1987, Sched.
Section 18:	amended by 94, 1987, Sched.
Section 19:	amended by 94, 1987, s. 7
Section 20(1):	amended by 94, 1987, s. 8(a)
Section 20(2)-(5):	amended by 94, 1987, Sched.
Section 20(6):	inserted by 94, 1987, s. 8(b)
Section 21:	substituted by 94, 1987, s. 9

- Section 22: substituted by 94, 1987, s. 10  
 Section 23: amended by 19, 1981, s. 3; substituted by 94, 1987, s. 11  
 Section 24: amended by 19, 1981, s. 4 (Sched.); substituted by 94, 1987, s. 12
- Section 25: substituted by 94, 1987, s. 13  
 Section 26: amended by 19, 1981, s. 4 (Sched.); 94, 1987, Sched.  
 Section 26a: inserted by 94, 1987, s. 14  
 Section 27(2): amended by 94, 1987, Sched.  
 Section 29(2): amended by 94, 1987, Sched.  
 Section 31(2): amended by 94, 1987, Sched.  
 Section 31(4): substituted by 94, 1987, s. 15  
 Section 33(2): substituted by 94, 1987, Sched.
- Division IVA of Part III comprising s. 34a and heading inserted by 94, 1987, s. 16
- Section 35(1): amended by 35, 1978, s. 4  
 Section 35(3): substituted by 94, 1987, Sched.  
 Section 36(1): amended by 35, 1978, s. 5  
 Section 36(2): substituted by 94, 1987, s. 17  
 Section 37: amended by 94, 1987, s. 18, Sched.  
 Section 38(1): substituted by 94, 1987, Sched.  
 Section 38(6): amended by 94, 1987, s. 19  
 Section 38(7): amended by 100, 1978, s. 7(a); 94, 1987, Sched.  
 Section 38(8): amended by 100, 1978, s. 7(b), (c)  
 Section 38(9): amended by 100, 1978, s. 7(d); substituted by 94, 1987, Sched.  
 Section 38(10): substituted by 94, 1987, Sched.  
 Section 40: amended and redesignated to read as s. 40(1) by 94, 1987, s. 20  
 Section 40(2): inserted by 94, 1987, s. 20(b)  
 Section 40a: inserted by 94, 1987, s. 21  
 Section 41(1): substituted by 94, 1987, s. 22  
 Section 41a: inserted by 94, 1987, s. 23  
 Section 42(3): amended by 19, 1981, s. 4 (Sched.); 94, 1987, Sched.  
 Section 42(4): amended by 94, 1987, Sched.  
 Section 43(1): amended by 94, 1987, s. 24(a)  
 Section 43(1a): inserted by 94, 1987, s. 24(b)  
 Section 43(2): amended by 94, 1987, s. 24(c)  
 Section 43(2a): inserted by 94, 1987, s. 24(d)  
 Sections 43a and 43b: inserted by 94, 1987, s. 25  
 Section 44(3): inserted by 94, 1987, s. 26  
 Section 45: amended by 19, 1981, s. 4 (Sched.); substituted by 94, 1987, s. 27
- Part IIIA comprising ss. 45a-45f and heading inserted by 35, 1978, s. 6
- Section 45d(2) and (4): substituted by 94, 1987, Sched.  
 Section 45e(2): substituted by 94, 1987, Sched.  
 Section 45k(3): repealed by 94, 1987, Sched.  
 Heading preceding section 46: amended by 94, 1987, s. 28  
 Section 46(2): amended by 94, 1987, s. 29  
 Section 47: amended by 19, 1981, s. 4 (Sched.); substituted by 94, 1987, s. 30
- Section 48: amended by 19, 1981, s. 4 (Sched.); substituted by 94, 1987, s. 31
- Section 48a: inserted by 94, 1987, s. 32  
 Section 49: substituted by 94, 1987, s. 33  
 Section 51(1): amended by 19, 1981, s. 4 (Sched.); substituted by 94, 1987, s. 34
- Section 51(1a): amended by 19, 1981, s. 4 (Sched.); repealed by 94, 1987, s. 34  
 Section 52: substituted by 94, 1987, s. 35  
 Section 53(1): amended by 94, 1987, s. 36, Sched.  
 Section 53(2): amended by 94, 1987, Sched.  
 Section 53(4): amended by 19, 1981, s. 4 (Sched.); 94, 1987, Sched.  
 Section 53(6): amended by 94, 1987, Sched.
- Division III of Part V comprising ss. 55 - 57 and heading amended by 19, 1981, s. 4 (Sched.); repealed and s. 55 and heading inserted in its place by 94, 1987, s. 37
- Section 58: amended by 19, 1981, s. 4 (Sched.); substituted by 94, 1987, s. 38
- Section 58a: inserted by 94, 1987, s. 38  
 Section 59(1): amended by 19, 1981, s. 4 (Sched.); 94, 1987, Sched.  
 Section 60: amended by 19, 1981, s. 4 (Sched.); substituted by 94, 1987, s. 39
- Section 62(2): amended by 19, 1981, s. 4 (Sched.); substituted by 94, 1987, Sched.
- Section 64(1): amended by 19, 1981, s. 4 (Sched.); 94, 1987, s. 40(a), Sched.  
 Section 64(3) and (4): amended by 19, 1981, s. 4 (Sched.); 94, 1987, Sched.  
 Section 64(5): substituted by 94, 1987, Sched.  
 Section 64(6): inserted by 94, 1987, s. 40(b)  
 Section 65(1) and (2): amended by 19, 1981, s. 4 (Sched.); substituted by 94, 1987, Sched.
- Section 66: amended by 19, 1981, s. 4 (Sched.); substituted by 94, 1987, s. 41
- Section 68: amended by 19, 1981, s. 4 (Sched.); 94, 1987, Sched.  
 Heading preceding section 68a: inserted by 94, 1987, s. 42

Section 68a(1):	amended by 19, 1981, s. 4 (Sched.); 94, 1987, Sched.
Section 68a(4):	amended by 94, 1987, Sched.
Section 68a(5):	amended by 94, 1987, s. 43
Section 68b:	amended by 19, 1981, s. 4 (Sched.); substituted by 94, 1987, s. 44
	Division II of Part VA comprising ss. 68c-68e and heading inserted by 94, 1987, s. 45
Section 69(2):	amended by 94, 1987, Sched.
Section 69(5):	substituted by 94, 1987 Sched.
Section 70:	amended by 19, 1981, s. 4 (Sched.); substituted by 94, 1987, s. 46
Section 71(1):	amended by 94, 1987, Sched.
Section 72(1):	amended by 19, 1981, s. 4 (Sched.); 94, 1987, Sched.
Section 73(1):	amended by 19, 1981, s. 4(Sched.); 94, 1987, s. 47, Sched.
Section 73(2):	amended by 19, 1981, s. 4 (Sched.); substituted by 94, 1987, Sched.
Section 74(2):	amended by 19, 1981, s. 4 (Sched.); substituted by 94, 1987, Sched.
Section 75a:	inserted by 94, 1987, s. 48
Section 78(1):	amended by 94, 1987, s. 49(a)
Section 78(2):	amended by 94, 1987, s. 49(b)
Section 79:	substituted by 94, 1987, s. 50
Section 79a:	inserted by 94, 1987, s. 50
Section 80(1):	amended by 94, 1987, Sched.
Section 80(2):	amended by 94, 1987, s. 51(a) - (d)
Section 80(2a):	inserted by 94, 1987, s. 51(e)
First Schedule:	deleted in pursuance of the Acts Republication Act, 1967, as its function is now exhausted
Second Schedule:	deleted in pursuance of the Acts Republication Act, 1967, as its function is now exhausted
	Third, Fourth, Fifth, Sixth and Tenth Schedules redesignated to read as Schedules 3, 4, 5, 6 and 10 respectively in pursuance of the Acts Republication Act, 1967
Schedule 7:	substituted by 94, 1987, s. 52
Schedule 8:	substituted by 54, 1981, s. 2; 94, 1987, s. 52
Schedule 9:	substituted by 94, 1987, s. 52