NATIONAL PARKS AND WILDLIFE ACT, 1972

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[Subscribers to the Consolidation Service will receive complete replacement Parts incorporating amendments to this Act as they come into force.]

(Reprint No. 5)

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 **15 January 1994**.*

It should be noted that the Act has not been revised (for obsolete references, etc.) by the Commissioner of Statute Revision since the reprint published on 11 July 1988.

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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][1]

as amended by

National Parks and Wildlife Act Amendment Act, 1974, No. 130 of 1974 [Assented to 12 December 1974][2]
National Parks and Wildlife Act Amendment Act, 1978, No. 35 of 1978 [Assented to 6 April 1978][3]
National Parks and Wildlife Act Amendment Act (No. 2), 1978, No. 100 of 1978 [Assented to 7 December 1978][4]
National Parks and Wildlife Act Amendment Act, 1981, No. 19 of 1981 [Assented to 19 March 1981][5]
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][6]
National Parks and Wildlife Endangered, Vulnerable and Rare Species (Amendment of Schedules) Regulations 1991 No. 57 of 1991 [*Gaz.* 16 May 1991, p. 1590]
Wilderness Protection Act 1992 No. 28 of 1992 [Assented to 21 May 1992][7]
Statutes Amendment (Expiation of Offences) Act 1992 No. 71 of 1992 [Assented to 19 November 1992][8]
National Parks and Wildlife (Miscellaneous) Amendment Act 1993 No. 45 of 1993 [Assented to 20 May 1993][9]
Statutes Repeal and Amendment (Development) Act 1993 No. 54 of 1993 [Assented to 27 May 1993][10]

1 Came into operation 3 July 1972: *Gaz.* 29 June 1972, p. 2689.
2 Came into operation 1 February 1975: *Gaz.* 30 January 1975, p. 341.
3 Came into operation 8 June 1978: *Gaz.* 8 June 1978, p. 1973.
4 Came into operation 14 August 1980: *Gaz.* 14 August 1980, p. 528.
5 Came into operation 2 April 1981: *Gaz.* 2 April 1981, p. 1017.
6 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.
7 Came into operation 25 June 1992: Gaz. 18 June 1992, p. 1756.
8 Came into operation 1 March 1993: *Gaz.* 18 February 1993, p. 600.
9 Came into operation 1 August 1993: *Gaz.* 22 July 1993, p. 598.
10 Came into operation 15 January 1994: *Gaz.* 27 October 1993, p. 1889.

NOTE:

- *Asterisks indicate repeal or deletion of text.*
- *For the legislative history of the Act see Appendix 1. Entries appearing in the Appendix in bold type indicate the amendments incorporated since the last reprint.*

[The next page is 3]

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*.

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Interpretation

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

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"aircraft" includes a glider or balloon capable of carrying a person:

"animal" includes any species of animal:

* * * * * * * * * *

"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*:

"marine mammal" means a seal or sea lion (order Pinnipedia) or a dolphin or whale (order Cetacea):

"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:

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"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:

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"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:

"wilderness protection area" means land constituted as a wilderness protection area under the *Wilderness Protection Act 1992*:

"wilderness protection zone" means land constituted as a wilderness protection zone under the *Wilderness Protection Act 1992*:

* * * * * * * * * *

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

Note: For definition of divisional penalties (and divisional expiation fees) see Appendix 2.

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.

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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.

(2a) The Minister must, in the preparation of a plan of management, or of an amendment of a plan of management, under this section—

(a) consult with the Development Policy Advisory Committee under the *Development Act 1993*;

and

(b) have regard to—

(i) the principles and policies of the Planning Strategy under the *Development Act 1993*;

and

(ii) the provisions of any relevant Development Plan under that Act.

(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).

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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 or 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

45*l*. (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, wilderness protection area or wilderness protection zone;

(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.

Expiation Fee: Division 8 fee.

(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

Taking of protected animals, etc.

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 a marine mammal—$30 000 or imprisonment for 2 years.

In the case of an animal (not being a marine mammal), or the eggs of an animal, of an endangered species—$10 000 or imprisonment for 2 years.

In the case of an animal (not being a marine mammal), or the eggs of an animal, of a vulnerable species—$7 500 or imprisonment for 18 months.

In the case of an animal (not being a marine mammal), 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—

(i) a reserve, other than a game reserve;

or

(ii) a wilderness protection area or wilderness protection zone;

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.

Expiation fee: Division 8 fee.

(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.

Expiation fee: Division 7 fee.

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.

Expiation fee: Division 7 fee.

(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 a marine mammal or the carcass of a marine mammal—$30 000 or imprisonment for 2 years.

In the case of an animal, (not being a marine mammal), or the carcass or eggs of an animal, of an endangered species—$10 000 or imprisonment for 2 years.

In the case of an animal (not being a marine mammal), or the carcass or eggs of an animal, of a vulnerable species—$7 500 or imprisonment for 18 months.

In the case of an animal (not being a marine mammal), or the carcass or 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.

(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 IVA—FARMING OF PROTECTED ANIMALS

Application of Division

60a. This Division applies to, and in relation to, a protected animal of a species named in schedule 11.

Interpretation

60b. In this Division, unless the contrary intention appears—

"the business of farming animals" means the business of farming animals for one or both of the following purposes:

(a) to produce carcasses, skins and other products upon slaughter of the animals;

(b) to sell live animals or eggs to another person who carries on the business of farming animals of the same species.

Permit for farming protected animals

60c. (1) The Minister may grant to a person a permit—

(a) to take an animal or the eggs of an animal from the wild or to slaughter or destroy in any other manner an animal in captivity;

(b) to keep an animal or to have possession or control of the eggs of an animal;

or

(c) to sell an animal or the carcass or eggs of an animal,

in the course of carrying on the business of farming animals of that species.

(2) A person is not entitled to carry on the business of farming animals pursuant to a permit granted under any other provision of this Act after the expiration of 12 months following the inclusion in schedule 11 of the species to which the animals belong.

(3) The Minister must not grant a permit under subsection (1)—

(a) if a code of management has not been adopted by the Minister under this Division in respect of the species of animal to which the permit will relate;

or

(b) if the permit would, in the Minister's opinion, be seriously at variance with the code of management referred to in paragraph *(a)*.

(4) A person to whom the Minister grants a permit under subsection (1) must be a member of an organisation—

(a) that has as its sole object the promotion of the interests of persons who carry on the business of farming the species of animal to which the permit relates;

and

(b) that is approved by the Minister.

(5) The Minister must not grant a permit under subsection (1) to take an animal or the eggs of an animal from the wild unless he or she is satisfied that the removal of animals or eggs pursuant to the permit is desirable in order to reduce or control a population of animals that is causing, or is likely to cause, damage to the environment or to crops, stock or other property.

(6) A permit granted under subsection (1) is subject to such limitations, restrictions or conditions as are imposed by this section or by the Minister under section 69 or are prescribed from time to time by regulation.

(7) An animal taken from the wild or an animal raised from an egg taken from the wild cannot be slaughtered or destroyed in any other manner pursuant to a permit granted under subsection (1) except—

(a) as a last resort to terminate the animal's suffering;

or

(b) to prevent the spread of a disease with which the animal is infected.

(8) A permit that enables the holder to take an animal or the eggs of an animal from the wild is subject to a condition requiring the holder within 14 days after taking animals or eggs pursuant to the permit to deliver to the Minister a report in the prescribed form stating the number of animals and eggs taken.

(9) A permit granted under subsection (1) authorises—

(a) the sale of eggs of the species to which the permit relates to a person who carries on the business of farming animals of that species;

and

(b) the sale of eggs of that species to any other person subject to the written approval of the Minister.

(10) It is lawful to—

(a) take a protected animal or the eggs of a protected animal from the wild or to slaughter or destroy in any other manner an animal in captivity;

(b) keep a protected animal or to have possession or control of the eggs of a protected animal;

or

(c) sell a protected animal or the carcass or eggs of a protected animal,

pursuant to a permit granted under subsection (1).

Code of management

60d. (1) The Minister must prepare a draft code of management in respect of each species of animal named in schedule 11.

(2) A draft code must address the following matters:

(a) the effect of taking individual animals or eggs from the wild on the species concerned and on the ecosystem of which they formed part;

(b) the welfare of the animals in captivity;

(c) the need for research in relation to farming the species concerned;

(d) the identification of animals and animal products;

and

(e) any other matters that should, in the opinion of the Minister, be addressed.

(3) A draft code may incorporate the whole or part of the Australian Model Code of Practice for the time being applicable to the welfare of the species to which the draft code relates by reference to the model code or to the relevant parts of it.

(4) The Minister must provide the Minister of Primary Industries with a copy of the draft code of management for comment.

(5) A draft code must be made available to the public for at least three months for comment before adoption by the Minister.

(6) Before adopting a draft code of management the Minister must have regard to comments (if any) made by the Minister of Primary Industries or by members of the public and may, if the Minister thinks fit, vary the draft code to take account of those comments.

(7) A code of management adopted by the Minister must be published in the *Gazette* and a notice stating the place or places at which copies of the code may be inspected or purchased must be published in a newspaper circulating generally throughout the State.

(8) A code of management may be replaced or varied by a further code prepared and adopted by the Minister in accordance with this section.

Royalty

60e. (1) Where royalty is payable under this Act in respect of a species to which a permit granted under this Division applies, royalty is payable—

(a) in respect of an animal or the eggs of an animal of that species taken from the wild pursuant to the permit;

and

(b) in respect of an animal of that species slaughtered in captivity pursuant to the permit.

(2) 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 (when the permit is granted or at any later time) an amount equal to the total amount of royalty that would be payable if all the animals that could be taken or slaughtered, and all the eggs that could be taken, pursuant to the permit were taken or slaughtered.

Application of fees and royalty

60f. (1) Fees paid in respect of permits granted under this Division and royalty paid under this Act in respect of animals or eggs to which those permits relate must be paid into the Wildlife Conservation Fund and must be applied from the Fund—

(a) in payment of the costs of administering this Division;

(b) for the benefit of the industry of farming the species of animal to which the permits relate;

and

(c) for research into the impact upon the species of animal to which the permits relate of the taking of animals and eggs from the wild pursuant to those permits.

(2) The fees fixed by regulation in respect of permits granted under this Division may exceed the Minister's costs in granting the permits and administering this Division in relation to the permits.

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.

Expiation fee: Division 8 fee.

(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.

Expiation fee: Division 8 fee.

(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.

Expiation fee: Division 8 fee.

(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.

Expiation fee: Division 8 fee.

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.

Molestation, etc., of protected animals

68. (1) A person must not—

(a) injure or molest, or cause or permit the injury or molestation of, a protected animal;

(b) undertake or continue an act or activity that is, or is likely to be, detrimental to the welfare of a protected animal after being directed by a warden not to undertake, or to stop, that act or activity;

or

(c) undertake or continue an act or activity in relation to a protected animal that is contrary to regulations promulgated under this section,

unless he or she acts in pursuance of this Act or a permit granted by the Minister under this section or another provision of this Act or in pursuance of some other Act or statutory instrument.

Penalty: In the case of a marine mammal—$30 000 or imprisonment for 2 years.

In the case of an animal (not being a marine mammal) of an endangered species—$10 000 or imprisonment for 2 years.

In the case of an animal (not being a marine mammal) of a vulnerable species—$7 500 or imprisonment for 18 months.

In the case of an animal (not being a marine mammal) 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 grant a permit to a person to undertake an act or activity that would otherwise contravene paragraph *(a)*, *(b)* or *(c)* of subsection (1).

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.

Expiation fee: Division 8 fee.

(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.

Expiation fee: Division 8 fee.

(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.

Expiation fee: Division 8 fee.

(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.

Expiation fee: Division 8 fee.

(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 or a wilderness protection area or wilderness protection zone.

(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 or a wilderness protection area or wilderness protection zone.

(3) It is not illegal by virtue of section 47(1) for an Aborigine to take a native plant from a reserve or from a wilderness protection area or a wilderness protection zone 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 or wilderness protection area or wilderness protection zone.

(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 or from a wilderness protection area or a wilderness protection zone 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 or wilderness protection area or wilderness protection zone.

(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.

Expiation fee: Division 8 fee.

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.

Expiation fee: Division 8 fee.

(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.

Expiation fee: Division 8 fee.

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.

Maximum penalties in relation to wilderness protection areas and zones

74a. The maximum penalties prescribed by sections 47(3) and 51 are increased by one half of those penalties in respect of the taking of a native plant or a protected animal or the eggs of a protected animal in a wilderness protection area or wilderness protection zone.

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 or a wilderness protection area or wilderness protection zone or is situated within a reserve, sanctuary, wilderness protection area or zone, 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 Pondalowie 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 Wookata, 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
Atherton Antechinus	*Antechinus godmani*
*Kowari	*Dasycercus byrnei*
*Mulgara	*Dasycercus cristicauda* #
*Western Quoll	*Dasyurus geoffroii* #
*Spotted-tail Quoll	*Dasyurus maculatus* #
*Eastern Quoll	*Dasyurus viverrinus* #
Dibbler	*Parantechinus apicalis*
*Red-tailed Phascogale	*Phascogale calura* #
Julia Creek Dunnart	*Sminthopsis douglasi*
Long-tailed Dunnart	*Sminthopsis longicaudata*
*Swamp Wallaby	*Wallabia bicolor* #
	MACROPODIDAE
*Burrowing Bettong	*Bettongia lesueur*
*Brush-tailed Bettong	*Bettongia penicillata*
Northern Bettong	*Bettongia tropica*
*Desert Rat-kangaroo	*Caloprymnus campestris*†
Central Hare-wallaby	*Lagorchestes asomatus*†
*Rufous Hare-wallaby	*Lagorchestes hirsutus*
*Eastern Hare-wallaby	*Lagorchestes leporides*†
Banded Hare-wallaby	*Lagostrophus fasciatus*
*Toolache Wallaby	*Macropus greyi*†
Bridled Nail-tail Wallaby	*Onychogalea frenata*
Crescent Nail-tail Wallaby	*Onychogalea lunata*†
*Black-footed Rock-wallaby	*Petrogale lateralis* #
Prosperpine Rock-wallaby	*Petrogale persephone*
Broad-faced Potoroo	*Potorous platyops*†
Long-footed Potoroo	*Potorous longipes*
*Tasmanian Pademelon	*Thylogale billardierii* #
	MYRMECOBIIDAE
*Numbat	*Myrmecobius fasciatus*
	PERAMELIDAE
*Pig-footed Bandicoot	*Chaeropus ecaudatus*†
*Golden Bandicoot	*Isoodon auratus*
*Western Barred Bandicoot	*Perameles bougainville*
*Desert Bandicoot	*Perameles eremiana*†
*Eastern Barred Bandicoot	*Perameles gunnii* #
	PETAURIDAE
Leadbeater's Possum	*Gymnobelideus leadbeateri*
*Yellow-bellied Glider	*Petaurus australis* #
*Sugar Glider	*Petaurus breviceps* #
	THYLACINIDAE
Thylacine	*Thylacinus cynocephalus*†
	THYLACOMYIDAE
*Bilby	*Macrotis lagotis*
*Lesser Bilby	*Macrotis leucura*†
	VOMBATIDAE
Northern Hairy-nosed Wombat	*Lasiorhinus krefftii*
	MURIDAE
*White-footed Rabbit-rat	*Conilurus albipes*†
*Lesser Stick-nest Rat	*Leporillus apicalis*†
*Greater Stick-nest Rat	*Leporillus conditor*
Short-tailed Hopping-mouse	*Notomys amplus*†
Northern Hopping-mouse	*Notomys aquilo*
*Dusky Hopping-mouse	*Notomys fuscus*
Long-tailed Hopping-mouse	*Notomys longicaudatus'n*
Big-eared Hopping-mouse	*Notomys macrotis*†
Darling Downs Hopping-mouse	*Notomys mordax*†
Alice Springs Mouse	*Pseudomys fieldi*†
Shark Bay Mouse	*Pseudomys praeconis*
*Pale Field-rat	*Rattus tunneyi* #
False Water-rat	*Xeromys myoides*
Central Rock-rat	*Zyzomys pedunculatus*
	EMBALLONURIDAE
*Common Sheathtail-bat	*Taphozous georgianus* #

SCHEDULE 7

Endangered Species

PART I

ANIMALS—*continued*

COMMON NAME	SPECIES
Mammals—*continued*	
	MEGADERMATIDAE
**Ghost Bat*	*Macroderma gigas#*
	VESPERTILIONIDAE
*Large-footed Mouse-eared Bat	*Myotis adversus*
	BALAENIDAE
*Southern Right Whale	*Balaena glacialis australis*
	BALANOPTERIDAE
*Blue Whale	*Balaenoptera musculus*
*Humpback Whale	*Megaptera novaeangliae*
	BURRAMYIDAE
*Feathertail Glider	*Acrobates pygmaeus#*
Mountain Pigmy-possum	*Burramys parvus*
	MEGAPODIDAE
*Mallee Fowl	*Leipoa ocellata#*
	MALURIDAE
*Mallee Emu-wren	*Stipiturus ruficeps mallee*
Birds—	
	PROCELLARIIDAE
Gould's Petrel	*Pterodroma leucoptera leucoptera*
Providence Petrel	*Pterodroma solandri*
	SULIDAE
Abbott's Booby	*Sula abbotti*
	FREGATIDAE
Christmas Island Frigatebird	*Fregata andrewsi*
	ACCIPITRIDAE
Red Goshawk	*Accipiter radiatus*
	PHASIANIDAE
*King Quail	*Coturnix chinensis#*
	RALLIDAE
Lord Howe Island Woodhen	*Tricholimnas sylvestris*
Cocos Buff-banded Rail	*Rallus philippensis andrewsi*
	BURHINIDAE
*Southern Stone Curlew	*Burhinus grallarius#*
	LARIDAE
Lesser Noddy	*Anous tenuirostris*
	PEDIONOMIDAE
*Plains Wanderer	*Pedionomus torquatus*
	PSITTACIDAE
*Glossy Black Cockatoo	*Calyptorhynchus lathami#*
*Red-tailed Black Cockatoo	*Calyptorhynchus magnificus#*
Norfolk Island Parrot	*Cyanoramphus novaezelandiae cookii*
*Orange-bellied Parrot	*Neophema chrysogaster*
*Night Parrot	*Pezoporus occidentalis*
*Ground Parrot	*Pezoporus wallicus*
*Alexandra's Parrot	*Polytelis alexandrae*
Coxen's Fig Parrot	*Psittaculirostris diophthalma coxeni*
Golden-shouldered Parrot	*Psephotus chrysopterygius*
Hooded Parrot	*Psephotus dissimilis*
Paradise Parrot	*Psephotus pulcherrimus†*
	STRIGIDAE
Norfolk Island Boobook Owl	*Ninox novaeseelandiae undulata*
Christmas Island Owl	*Ninox squamipila natalis*
	TYTONIDAE
*Masked Owl	*Tyto novaehollandiae#*
	CAPRIMULGIDAE
Plumed Frogmouth	*Podargus ocellatus plumiferus*
	ALCEDINIDAE
*Azure Kingfisher	*Ceyx azureus#*

SCHEDULE 7

Endangered Species

PART I

ANIMALS—*continued*

COMMON NAME	SPECIES
Birds—*continued*	
	ACANTHIZIDAE
Eastern Bristlebird	*Dasyornis brachypterus*
Western Bristlebird	*Dasyornis longirostris*
Western Rufous Bristlebird	*Dasyornis broadbenti litoralis*
Forty-spotted Pardalote	*Pardalotus quadragintus*
	CORVIDAE
*Spotted Quail-thrush	*Cinclosoma punctatum#*
Lord Howe Island Currawong	*Strepera graculina crissalis*
	EOPSALTRIIDAE
Northern Scrub Robin	*Drymodes superciliaris colcloughi*†
	MALURIDAE
	MELIPHAGIDAE
*Black-eared Miner	*Manorina melanotis*
Helmeted Honeyeater	*Meliphaga melanops cassidix*
*Regent Honeyeater	*Xanthomyza phrygia#*
	POMATOSTOMIDAE
*Grey-crowned Babbler	*Pomatostomus temporalis#*
	PTILONORHYNCHIDAE
*Spotted Bowerbird	*Chlamydera maculata#*
	TURDIDAE
Norfolk Island Thrush	*Turdus poliocephalus poliocephalus*
	ZOSTEROPIDAE
Norfolk Island Silvereye	*Zosterops albogularis*
Reptiles—	
	DERMOCHELYIDAE
*Leathery Turtle	*Dermochelys coriacea*
	CHELIDAE
Western Swamp Turtle	*Pseudemydura umbrina*
	SCINCIDAE
Lancelin Island Striped Skink	*Ctenotus lancelini*
Lined Burrowing Skink	*Lerista lineata*
Pedra Branca Skink	*Pseudemoia palfreymani*
*Adelaide Bluetongue	*Tiliqua adelaidensis*†
	PYGOPODIDAE
Unnamed Legless Lizard	*Aprasia parapulchella*
*Bronzeback Legless Lizard	*Ophidiocephalus taeniatus*
	ELAPIDAE
Broad-headed Snake	*Hoplocephalus bungaroides*
Black-striped Snake	*Vermicella calonota*

†Considered Extinct
*Recorded in South Australia
#Not Endangered at National Level

PART II

PLANTS

COMMON NAME	SPECIES
	AMARANTHACEAE
Pussytail	*Ptilotus beckerianus*
	ASPIDIACEAE
Shiny shield fern	*Lastreopsis acuminata*
	ASPLENIACEAE
Hens and chickens	*Asplenium bulbiferum*
	BLECHNACEAE
Lance water fern	*Blechnum chambersii*
Small rasp-fern	*Doodia caudata*

SCHEDULE 7

Endangered Species

PART II

PLANTS—*continued*

COMMON NAME	SPECIES
	CAMPANULACEAE
Swamp isotome	*Isotoma fluviatilis*
	CHENOPODIACEAE
—	*Atriplex kochiana*
Black cotton-bush	*Maireana decalvans*
—	*Osteocarpum pentapterum*
	COMPOSITAE
Large-headed daisy	*Brachycome diversifolia* var. *diversifolia*
—	*Brachycome muelleri*
Milky beauty-heads	*Calocephalus lacteus*
Scaly haeckeria	*Haeckeria pholidota*
Pale everlasting	*Helichrysum rutidolepis*
Sand ixodia	*Ixodia achillaeoides ssp. arenicola*
Slender bottle-daisy	*Lagenifera gracilis*
Moth daisy-bush	*Olearia erubescens*
Sticky daisy-bush	*Olearia glutinosa*
Small-flowered daisy-bush	*Olearia microdisca*
	CRUCIFERAE
—	*Phlegmatospermum richardsii*
	CYPERACEAE
Leafy flat-sedge	*Cyperus lucidus*
Button grass	*Gymnoschoenus sphaerocephalus*
Slender bog-rush	*Schoenus tenuissimus*
	DENNSTAEDTIACEAE
—	*Dennstaedtia davallioides*
Bats wing fern	*Histiopteris incisa*
	ERIOCAULACEAE
Salt pipe-wort	*Eriocaulon carsonii*
	FRANKENIACEAE
—	*Frankenia flabellata*
Sea heath	*Frankenia plicata*
	GOODENIACEAE
Creeping fan flower	*Scaevola hookeri*
	GRAMINEAE
Bent grass	*Agrostis aequata*
Red-leg grass	*Bothriochloa macra*
—	*Echinochloa lacunaria*
Tussock grass	*Poa morrisii*
	HALORAGACEAE
Prickly raspwort	*Haloragis eyreana*
	JUNCACEAE
Wiry rush	*Juncus homalocaulis*
	LABIATAE
Mint-bush	*Prostanthera eurybioides*
	LEGUMINOSAE
—	*Acacia cretacea*
Jumping-jack wattle	*Acacia enterocarpa*
Hairy-pod wattle	*Acacia glandulicarpa*
Fat-leaved wattle	*Acacia pinguifolia*
Three-nerved wattle	*Acacia trineura*
	Bossiaea ensata
Grey parrot pea	*Dillwynia cinerascens*
Clover glycine	*Glycine latrobeana*
Small scurf pea	*Psoralea parva*
Tufted bush pea	*Pultenaea trichophylla*
Yellow swainson pea	*Swainsona laxa var. laxa*
Leafy templetonia	*Templetonia stenophylla*
	LENTIBULARIACEAE
Yellow bladderwort	*Utricularia australis*
Small bladderwort	*Utricularia lateriflora*
	LILIACEAE
Pale vanilla-lily	*Arthropodium milleflorum*
—	*Thysanotus nudicaulis*
Fringe lily	*Thysanotus wangariensis*
	Wurmbea latifolia

SCHEDULE 7

Endangered Species

PART II

PLANTS—*continued*

COMMON NAME	SPECIES
	LYCOPODIACEAE
Bushy club moss	*Lycopodium deuterodensum*
Bog club moss	*Lycopodium serpentinum*
	ORCHIDACEAE
Plain-lipped spider-orchid	*Caladenia clavigera*
Crimson spider-orchid	*Caladenia concolor*
Green bird-orchid	*Chiloglottis cornuta*
Dainty bird-orchid	*Chiloglottis trapeziformis*
Swamp helmet-orchid	*Corybas fordhamii*
Moose orchid	*Cryptostylis subulata*
Variable midge-orchid	*Genoplesium archeri*
Slaty leek-orchid	*Prasophyllum frenchii*
Leafless green-hood	*Pterostylis aphylla*
Sand green-hood	*Pterostylis arenicola*
Trim green-hood	*Pterostylis concinna*
Leafy green-hood	*Pterostylis cucullata*
—	*Pterostylis setifera*
Metallic sun-orchid	*Thelymitra epipactoides*
Spiral-leaved sun-orchid	*Thelymitra matthewsii*
Sun-orchid	*Thelymitra merranae*
—	*Thelymitra retecta*
Veined sun-orchid	*Thelymitra venosa*
	OSMUNDACEAE
King fern	*Todea barbara*
	POTAMOGETONACEAE
Thin pondweed	*Potamogeton australiensis*
	RANUNCULACEAE
Shining buttercup	*Ranunculus glabrifolius*
Small-flower buttercup	*Ranunculus sessiliflorus var. pilulifer*
	RESTIONACEAE
Tassel cord-rush	*Restio tetraphyllus*
	RHAMNACEAE
Kangaroo Island pomaderris	*Pomaderris halmaturina ssp. halmaturina*
	RUBIACEAE
Matted nertera	*Nertera granadensis*
	RUTACEAE
Downy star-bush	*Asterolasia phebalioides*
Desert phebalium	*Phebalium glandulosum*
Scaly phebalium	*Phebalium squamulosum*
	SAPINDACEAE
Trailing hop bush	*Dodonaea procumbens*
Hop bush	*Dodonaea subglandulifera*
Streaked hop bush	*Dodonaea tepperi*
	SCROPHULARIACEAE
—	*Euphrasia collina ssp. osbornii*
Purple eyebright	*Euphrasia collina ssp. trichocalycina*
	STYLIDIACEAE
Trigger plant	*Stylidium beaugleholei*
	THYMELAEACEAE
Tall riceflower	*Pimelea ligustrina*
	UMBELLIFERAE
—	*Centella uniflora*
Australian carraway	*Oreomyrrhis eriopoda*
Slender Platysace	*Platysace heterophylla var. tepperi*
	VIOLACEAE
Showy violet	*Viola betonicifolia ssp. betonicifolia*
	XANTHORRHAEACEAE
Small grass-tree	*Xanthorrhoea minor ssp. lutea*

SCHEDULE 8

Vulnerable Species

PART I

ANIMALS

COMMON NAME	SPECIES
Mammals—	
	MACROPODIDAE
Eastern Grey Kangaroo	*Macropus giganteus*
	PERAMELIDAE
Southern Brown Bandicoot	*Isoodon obesulus*
	VOMBATIDAE
Common Wombat	*Vombatus ursinus*
	DASYURIDAE
Brush-tailed Phascogale	*Phascogale tapoatafa*
Sandhill Dunnart	*Sminthopsis psammophila*
	ORNITHORNHYNCHIDAE
Platypus	*Ornithorhynchus anatinus*
Birds—	
	ARDEIDAE
Little Egret	*Ardea garzetta*
Australasian Bittern	*Botaurus poiciloptilus*
Little Bittern	*Ixobrychus minutus*
	ANATIDAE
Musk Duck	*Biziura lobata*
Cape Barren Goose	*Cereopsis novaehollandiae*
Freckled Duck	*Stictonetta naevosa*
	ACCIPITRIDAE
White-bellied Sea-eagle	*Haliaeetus leucogaster*
Black-breasted Buzzard	*Hamirostra melanosternon*
Square-tailed Kite	*Lophoictinia isura*
Osprey	*Pandion haliaetus*
	FALCONIDAE
Grey Falcon	*Falco hypoleucos*
Peregrine Falcon	*Falco peregrinus*
	PHASIANIDAE
Swamp Quail	*Coturnix ypsilophora*
	GRUIDAE
Brolga	*Grus rubicundus*
	OTIDIDAE
Australian Bustard	*Ardeotis australis*
	TURNICIDAE
Painted Button-quail	*Turnix varia*
	CHARADRIIDAE
Hooded Plover	*Charadrius rubricollis*
	LARIDAE
Little Tern	*Sterna albifrons*
Fairy Tern	*Sterna nereis*
	ROSTRATULIDAE
Painted Snipe	*Rostratula benghalenis*
	SCOLOPACIDAE
Latham's Snipe	*Gallinago hardwickii*
Eastern Curlew	*Numenius madagascariensis*
	COLUMBIDAE
Spinifex Pigeon	*Geophaps plumifera*
Flock Pigeon	*Phaps histrionica*
	PSITTACIDAE
Pink Cockatoo	*Cacatua leadbeateri*
Yellow-tailed Black Cockatoo	*Calyptorhynchus funereus*
Swift Parrot	*Lathamus discolor*
Blue-winged Parrot	*Neophema chrysostoma*
Naretha Bluebonnet	*Northiella narethae*
Regent Parrot	*Polytelis anthopeplus*
	STRIGIDAE
Barking Owl	*Ninox connivens*

SCHEDULE 8

Vulnerable Species

PART I

ANIMALS—*continued*

COMMON NAME	SPECIES
Birds—*continued*	
	ACANTHIZIDAE
Slender-billed Thornbill	*Acanthiza iredalei*
Shy Hylacola	*Hylacola cauta*
Chestnut-rumped Hylacola	*Hylacola pyrrhopygia*
Rufous Bristlebird	*Dasyornis broadbenti broadbenti*
Yellow-tailed Pardalote	*Pardalotus xanthopygius*
	CLIMACTERIDAE
Rufous Treecreeper	*Climacteris rufa*
	CORVIDAE
Chestnut Quail-thrush	*Cinclosoma castanotum*
White-bellied Cuckoo-shrike	*Corcacina papuensis*
Satin Flycatcher	*Myiagra cyanoleuca*
Olive Whistler	*Pachycephala olivacea*
Red-lored Whistler	*Pachycephala rufogularis*
Western Whipbird	*Psophodes nigrogularis*
	MALURIDAE
Striated Grasswren	*Amytornis striatus*
Thick-billed Grasswren	*Amytornis textilis*
Blue-breasted Wren	*Malurus pulcherrimus*
Southern Emu-wren	*Stipiturus malachurus*
	MELIPHAGIDAE
Yellow Chat	*Ephthianura crocea*
Black-chinned Honeyeater	*Melithreptus gularis*
Striped Honeyeater	*Plectorhyncha lanceolata*
	PASSERIDAE
Beautiful Firetail	*Emblema bellum*
Diamond Firetail	*Emblema guttatum*
	RALLIDAE
Lewin's Rail	*Rallus pectoralis*

PART II

PLANTS

COMMON NAME	SPECIES
	ADIANTACEAE
—	*Adiantum capillus-veneris*
	AMARANTHACEAE
—	*Ptilotus aristatus*
	BORAGINACEAE
—	*Embadium johnstonii*
—	*Plagiobothrys orthostatus*
	CALLITRICHACEAE
—	*Callitriche umbonata*
	CAMPANULACEAE
—	*Pratia puberula*
Naked bluebell	*Wahlenbergia gymnoclada*
	CARYOPHYLLACEAE
Coast colobanthus	*Colobanthus apetalus var. apetalus*
Starwort	*Stellaria caespitosa*
	CHENOPODIACEAE
—	*Halosarcia flabelliformis*
Bluebush	*Maireana melanocarpa*
Lax blue bush	*Maireana suaedifolia*
—	*Malacocera gracilis*
	COMPOSITAE
—	*Basedowia tenerrima*
Twin-leaved sunray	*Helipterum oppositifolium*
Woolly-glandular daisy-bush	*Olearia adenolasia*
Swamp daisy-bush	*Olearia glandulosa*
—	*Pleuropappus phyllocalymmeus*
—	*Senecio macrocarpus*

SCHEDULE 8

Vunerable Species

PART II

PLANTS—*continued*

COMMON NAME	SPECIES
Large-flowered groundsel	*Senecio megaglossus*
Broad-leaved scented groundsel	*Senecio odoratus var. obtusifolius*
—	*Solenogyne dominii*
	CRUCIFERAE
—	*Cardamine gunnii*
—	*Irenepharsus phasmatodes*
—	*Lepidium pseudopapillosum*
—	*Microlepidium alatum*
	CYPERACEAE
Thatch saw-sedge	*Gahnia radula*
Medusa bog-rush	*Schoenus latelaminatus*
	DILLENIACEAE
Guinea flower	*Hibbertia crispula*
	EUPHORBIACEAE
Kangaroo Island turpentine bush	*Beyeria subtecta*
Fringed pseudanthus	*Pseudanthus micranthus*
	GENTIANACEAE
Mountain gentian	*Gentianella diemensis*
	GOODENIACEAE
Aldinga dampiera	*Dampiera lanceolata var. intermedia*
Dune fan flower	*Scaevola calendulacea*
	GRAMINEAE
Bent grass	*Agrostis rudis*
Pointed swamp wallaby-grass	*Amphibromus archeri*
Dark swamp wallaby-grass	*Amphibromus recurvatus*
—	*Eragrostis infecunda*
Five-awned spear-grass	*Pentapogon quadrifidus var. quadrifidus*
Tussock grass	*Poa meionectes*
—	*Stipa metatoris*
Hairy rice-grass	*Tetrarrhena distichophylla*
	GYROSTEMONACEAE
Camel poison	*Codonocarpus pyramidalis*
	HALORAGACEAE
—	*Haloragis brownii*
	JUNCAGINACEAE
Tiny arrowgrass	*Triglochin turriferum*
	LABIATAE
Red mint-bush	*Prostanthera calycina*
	LEGUMINOSAE
Balcanoona wattle	*Acacia araneosa*
Imbricate wattle	*Acacia imbricata*
Streaked wattle	*Acacia lineata*
Menzel's wattle	*Acacia menzelii*
Mitchell's wattle	*Acacia mitchellii*
—	*Acacia pickardii*
Neat wattle	*Acacia rhetinocarpa*
Sweet wattle	*Acacia suaveolens*
—	*Acacia symonii*
Common hovea	*Hovea heterophylla*
—	*Swainsona minutiflora*
Slender swainsona	*Swainsona murrayana*
	LENTIBULARIACEAE
Violet bladderwort	*Utricularia violacea*
	LILIACEAE
Blue tinsel-lily	*Calectasia cyanea var. intermedia*
Tufted blue-lily	*Stypandra caespitosa*
Nodding blue-lily	*Stypandra glauca*
Common fringe-lily	*Thysanotus tuberosus*
	LOGANIACEAE
Island logania	*Logania insularis*
Hairy mitrewort	*Mitrasacme pilosa*
	LORANTHACEAE
Creeping mistletoe	*Muellerina eucalyptoides*
	LYTHRACEAE
Purple loosestrife	*Lythrum salicaria*

SCHEDULE 8

Vunerable Species

PART II

PLANTS—continued

COMMON NAME	SPECIES
	MENYANTHACEAE
Lax marsh-flower	*Villarsia umbricola var. beaugleholei*
	MYOPORACEAE
Emu bush	*Eremophila barbata*
	MYRTACEAE
Broad-leaved box	*Eucalyptus behriana*
Snow gum	*Eucalyptus pauciflora*
	ORCHIDACEAE
Hooded caladenia	*Caladenia cucullata*
Bayonet caladenia	*Caladenia gladiolata*
Ovate spider-orchid	*Caladenia ovata*
White spider-orchid	*Caladenia rigida*
Large duck-orchid	*Caleana major*
Red beard-orchid	*Calochilus paludosus*
Cowslip	*Diuris behrii*
Sharp midge-orchid	*Genoplesium despectans*
Small duck-orchid	*Paracaleana minor*
Laughing leek-orchid	*Prasophyllum macrostachyum*
Pale leek-orchid	*Prasophyllum pallidum*
—	*Prasophyllum pruinosum*
—	*Prasophyllum truncatum*
Blunt-tongue green-hood	*Pterostylis obtusa*
—	*Pterostylis parviflora*
Swamp green-hood	*Pterostylis tenuissima*
	PITTOSPORACEAE
Twining finger-flower	*Cheiranthera volubilis*
	PORTULACACEAE
Waterblinks	*Montia fontana ssp. chondrosperma*
	PROTEACEAE
Spider flower or grevillea	*Grevillea muricata*
—	*Grevillea treueriana*
	RANUNCULACEAE
Australian clematis	*Clematis aristata*
Large river buttercup	*Ranunculus papulentus*
	RESTIONACEAE
Bundled cord-rush	*Loxocarya fasciculata*
	RHAMNACEAE
—	*Pomaderris halmaturina ssp. continentis*
Butterfly spyridium	*Spyridium coactiliferum*
	RUBIACEAE
Broad-leaved woodruff	*Asperula euryphylla var. tetraphylla*
—	*Asperula gunnii*
	RUTACEAE
Desert lime	*Eremocitrus glauca*
Small-leaved wax-flower	*Eriostemon difformis ssp. difformis*
Bendigo wax-flower	*Eriostemon verrucosus*
Kangaroo Island phebalium	*Phebalium equestre*
	SCHIZAEACEAE
Forked comb fern	*Schizaea bifida*
Narrow comb fern	*Schizaea fistulosa*
	SCROPHULARIACEAE
—	*Gratiola pubescens*
Granite mudwort	*Limosella granitica*
Swamp mazus	*Mazus pumilio*
Slender speedwell	*Veronica gracilis*
	SOLANACEAE
—	*Nicotiana burbidgei*
	STACKHOUSIACEAE
Candles	*Stackhousia annua*
	STERCULIACEAE
—	*Rulingia craurophylla*
	UMBELLIFERAE
Blue devil	*Eryngium rostratum*
	ZYGOPHYLLACEAE

SCHEDULE 9

Rare Species

PART I

ANIMALS

COMMON NAME	SPECIES
Mammals—	
	BURRAMYIDAE
Eastern Pigmy-possum	*Cercartetus nanus*
	DASYURIDAE
Kultarr	*Antechinomys laniger*
Swamp Antechinus	*Antechinus minimus*
Sooty Dunnart	*Sminthopsis aitkeni*
Hairy-footed Dunnart	*Sminthopsis hirtipes*
	MACROPODIDAE
Red-necked Wallaby	*Macropus rufogriseus*
Yellow-footed Rock-wallaby	*Petrogale xanthopus*
	PHASCOLARCTIDAE
Koala	*Phascolarctos cinereus*
	MURIDAE
Forrest's Mouse	*Leggadina forresti*
Fawn Hopping-mouse	*Notomys cervinus*
Plain's Rat	*Pseudomys australis*
Desert Mouse	*Pseudomys desertor*
	EMBALLONURIDAE
Yellow-bellied Sheathtail-Bat	*Saccolaimus flaviventris*
	VESPERTILIONIDAE
Little Pied Bat	*Chalinolobus picatus*
Large Forest Eptesicus	*Eptesicus sagittula*
Common Bent-wing Bat	*Miniopterus schreibersii*
	OTARIIDAE
New Zealand Fur-seal	*Arctocephalus forsteri*
Australian Fur Seal	*Arctocephalus pusillus*
Australian Sea-lion	*Neophoca cinerea*
	BALAENIDAE
Pygmy Right Whale	*Caperea marginata*
	BALAENOPTERIDAE
Minke Whale	*Balaenoptera acutorostrata*
Bryde's Whale	*Balaenoptera edeni*
Fin Whale	*Balaenoptera physalus*
	DELPHINIDAE
Short-finned Pilot Whale	*Globicephala macrorhynchus*
Long-finned Pilot Whale	*Globicephala melaena*
Risso's Dolphin	*Grampus griseus*
Killer Whale	*Orcinus orca*
False Killer Whale	*Pseudorca crassidens*
	PHYSETERIDAE
Pygmy Sperm Whale	*Kogia breviceps*
Dwarf Sperm Whale	*Kogia simus*
Sperm Whale	*Physeter macrocephalus*
	ZIPHIIDAE
Arnoux's Beaked Whale	*Berardius arnuxii*
Southern Bottlenosed Whale	*Hyperoodon planifrons*
Andrew's Beaked Whale	*Mesoplodon bowdoini*
Gray's Beaked Whale	*Mesoplodon grayi*
Hector's Beaked Whale	*Mesoplodon hectori*
Strap-toothed Beaked Whale	*Mesoplodon layardii*
Tasman Beaked Whale	*Tasmacetus shepherdi*
Cuvier's Beaked Whale	*Ziphius cavirostris*
Birds—	
	ARDEIDAE
Intermediate Egret	*Ardea intermedia*
Eastern Reef Egret	*Ardea sacra*
	ANATIDAE
Australasian Shoveler	*Anas rhynchotis*
	ACCIPITRIDAE
Black-breasted Buzzard	*Hamirostra melanosternon*
Black-breasted Buzzard	*Hamirostra melanosternon*
	TURNICIDAE
Red-chested Button-quail	*Turnix pyrrhothorax*

SCHEDULE 9

Rare Species

PART I

ANIMALS—*continued*

COMMON NAME	SPECIES
Birds—*continued*	
	RALLIDAE
Baillon's Crake	*Porzana pusilla*
Spotless Crake	*Porzana tabuensis*
	SCOLOPACIDAE
Cox's Sandpiper	*Calidris paramelanotus*
	PSITTACIDAE
Little Lorikeet	*Glossopsitta pusilla*
	CUCULIDAE
Shining Bronze-cuckoo	*Chrysococcyx lucidus*
	CORVIDAE
Nullarbor Quail-thrush	*Cinclosoma alisteri*
	MALURIDAE
Grey Grasswren	*Amytornis barbatus*
Dusky Grasswren	*Amytornis purnelli*
	MELIPHAGIDAE
Grey Honeyeater	*Conopophila whitei*
Blue-faced Honeyeater	*Entomyzon cyanotis*
Painted Honeyeater	*Grantiella picta*
Golden-backed Honeyeater	*Melithreptus laetior*
	PLOCEIDAE
Painted Firetail	*Emblema pictum*
	PTILONORHYNCHIDAE
Western Bowerbird	*Chlamydera guttata*
	DENDROCYGNIDAE
Plumed Whistling Duck	*Dendrocygna eytoni*
	MUSCICAPIDAE
Bassian Thrush	*Zoothera lunulata*
	PARDALOTIDAE
Slate-backed Thornbill	*Acanthiza robustirostris*
Chestnut-breasted Whiteface	*Aphelocephala pectoralis*
White-throated Warbler	*Gerygone olivacea*
	PEDIONOMIDAE
Plains Wanderer	*Pedionomus torquatus*
	TYTONIDAE
Grass Owl	*Tyto capensis*

PART II

PLANTS

COMMON NAME	SPECIES
	ADIANTACEAE
Annual fern	*Anogramma leptophylla*
	AIZOACEAE
Desert carpet-weed	*Glinus orygioides*
—	*Gunniopsis kochii*
Ridged noon-flower	*Sarcozona bicarinata*
	ALISMATACEAE
Star-fruit	*Damasonium minus*
	AMARANTHACEAE
—	*Hemichroa mesembryanthema*
—	*Ptilotus arthrolasius*
—	*Ptilotus astrolasius var. astrolasius*
—	*Ptilotus chippendalei*
Hairy heads	*Ptilotus erubescens*
—	*Ptilotus robynsianus*
—	*Ptilotus symonii*
	ASPLENIACEAE
Common spleenwort	*Asplenium trichomanes*

SCHEDULE 9

Rare Species

PART II

PLANTS—*continued*

COMMON NAME	SPECIES
	BAUERACEAE
Wiry bauera	*Bauera rubioides*
	BLECHNACEAE
Fishbone water-fern	*Blechnum nudum*
Hard water-fern	*Blechnum wattsii*
	BORAGINACEAE
—	*Embadium stagnense*
	CALLITRICHACEAE
Matted water starwort	*Callitriche sonderi*
	CAMPANULACEAE
Long-scaped isotome	*Isotoma scapigera*
Lobed-leaf lobelia	*Lobelia heterophylla*
Poison lobelia	*Lobelia pratioides*
Poison pratia	*Pratia concolor*
—	*Wahlenbergia preissii*
	CARYOPHYLLACEAE
Native gypsophila	*Gypsophila australis*
Rayless starwort	*Stellaria multiflora*
Swamp starwort	*Stellaria palustris var. tenella*
Prickly starwort	*Stellaria pungens*
	CASUARINACEAE
Bull oak	*Allocasurina luehmannii*
—	*Allocasurina robusta*
	CENTROLEPIDACEAE
Cushion centrolepis	*Centrolepis cephaloformis ssp. cephaloformis*
—	*Centrolepis cephaloformis ssp. murrayi*
Smooth centrolepis	*Centrolepis glabra*
	CERATOPHYLLACEAE
Hornwort	*Ceratophyllum demersum*
	CHENOPODIACEAE
—	*Atriplex australasica*
—	*Atriplex eichleri*
—	*Chenopodium erosum*
—	*Maireana luehmannii*
—	*Maireana rohrlachii*
—	*Osteocarpum acropterum var. diminutum*
—	*Sclerolaena bicuspis*
—	*Sclerolaena holtiana*
Five-spined bindyi	*Sclerolaena muricata var. villosa*
	CHLOANTHACEAE
—	*Dicrastylis doranii*
	COMPOSITAE
Kangaroo Island daisy	*Achnophora tatei*
Short-stemmed daisy	*Brachycome breviscapis*
Swamp daisy	*Brachycome cardiocarpa*
Rayless variable daisy	*Brachycome ciliaris var. brachyglossa*
Narrow-leaved variable daisy	*Brachycome ciliaris var. subintegrifolia*
—	*Brachycome cuneifolia*
Weak daisy	*Brachycome debilis*
—	*Brachycome eriogona*
Coast daisy	*Brachycome parvula var. parvula*
Southern daisy	*Brachycome readeri*
—	*Brachycome tatei*
—	*Brachycome uliginosa*
Yellow-seed daisy	*Brachycome xanthocarpa*
Lemon beauty-heads	*Calocephalus citreus*
Pale beauty-heads	*Calocephalus sonderi*
Yellow burr-daisy	*Calotis lappulacea*
Wingwort	*Ceratogyne obionoides*
—	*Chondropyxis halophila*
Slender golden-clubs	*Chrysocoryne drummondii*
Creeping cotula	*Cotula reptans*
Drumsticks	*Craspedia globosa*
—	*Elachanthus glaber*
Dogwood haeckeria	*Haeckeria cassiniaeformis*
—	*Haeckeria punctulata*
Small nut-heads	*Haegiela tatei*

SCHEDULE 9

Rare Species

PART II

PLANTS—*continued*

COMMON NAME	SPECIES
—	*Helichrysum monochaetum*
—	*Hyalosperma stoveae*
—	*Ixiolaena pluriseta*
Lanky buttons	*Leptorhynchos elongatus*
	Leptorhynchos scabrus
—	*Olearia ferresii*
Velvet-leaved daisy-bush	*Olearia pannosa ssp. cardiophylla*
Silver-leaved daisy-bush	*Olearia pannosa ssp. pannosa*
Rasp daisy-bush	*Olearia picridifolia*
Narrow-leaved scented groundsel	*Senecio odoratus var. longifolius*
	CRASSULACEAE
—	*Crassula exserta*
	CRUCIFERAE
—	*Cardamine paucijuga*
Slender bitter cress	*Cardamine tenuifolia*
Mother-of-misery	*Cuphonotus humistratus*
Bushy peppercress	*Lepidium desvauxii*
—	*Lepidium pseudohyssopifolium*
—	*Lepidium pseudoruderale*
—	*Menkea lutea*
—	*Microlepidium pilosulum*
Spreading cress	*Phlegmatospermum eremaeum*
Perennial marsh cress	*Rorippa laciniata*
	CYPERACEAE
Jointed twig-rush	*Baumea articulata*
Slender twig-rush	*Baumea gunnii*
Lax twig-rush	*Baumea laxa*
Soft twig-rush	*Baumea rubiginosa*
—	*Bulbostylis turbinata*
Strand sedge	*Carex pumila*
—	*Chorizandra cymbaria*
—	*Cyperus dactylotes*
—	*Cyperus lhotskyanus*
Tuber spike-rush	*Eleocharis atricha*
—	*Eleocharis geniculata*
—	*Eleocharis plana*
Small spike-rush	*Eleocharis pusilla*
Tall saw-sedge	*Gahnia clarkei*
Kangaroo Island saw-sedge	*Gahnia hystrix*
Club-rush	*Isolepis producta*
Star club-rush	*Isolepis stellata*
Bog-rush	*Schoenus discifer*
—	*Schoenoplectus dissachanthus*
	DENNSTAEDTIACEAE
Ruddy Ground-fern	*Hypolepis rugosula*
	DILLENIACEAE
Prickly guinea-flower	*Hibbertia acicularis*
—	*Hibbertia glaberrima*
Peninsula guinea-flower	*Hibbertia paeninsularis*
	DROSERACEAE
Forked sundew	*Drosera binata*
	ELATINACEAE
—	*Bergia perennis*
Small water-fire	*Bergia trimera*
Waterwort	*Elatine gratioloides*
	EPACRIDACEAE
Hairy bearded-heath	*Leucopogon hirsutus*
Prickly broom-heath	*Monotoca scoparia*
Pink swamp heath	*Sprengelia incarnata*
Golden heath	*Styphelia adscendens*
	EUPHORBIACEAE
Mallee bitterbush	*Adriana hookeri*
Rare bitterbush	*Adriana quadripartita*
Snowdrop spurge	*Phyllanthus calycinus*
	FRANKENIACEAE
—	*Frankenia cinerea*
—	*Frankenia cupularis*
—	*Frankenia subteres*

SCHEDULE 9

Rare Species

PART II

PLANTS—*continued*

COMMON NAME	SPECIES
	GLEICHENIACEAE
Coral fern	*Gleichenia microphylla*
	GOODENIACEAE
—	*Goodenia anfracta*
—	*Goodenia benthamiana*
—	*Goodenia chambersii*
Spreading goodenia	*Goodenia heteromera*
—	*Goodenia lobata*
—	*Goodenia saccata*
—	*Scaevola angustata*
Myrtle-leaved fanflower	*Scaevola myrtifolia*
Velleia	*Velleia cycnopotamica*
	GRAMINEAE
—	*Agrostis billardieri var. filifolia*
—	*Agrostis billardieri var. robusta*
—	*Aristida arida*
—	*Aristida australis*
Two gland threeawn	*Aristida biglandulosa var. biglandulosa*
—	*Aristida inaequiglumis*
Feathertop Wiregrass	*Aristida latifolia*
Brush threeawn	*Aristida obscura*
Brown-back wallaby-grass	*Danthonia duttoniana*
Hill wallaby-grass	*Danthonia eriantha*
—	*Danthonia laevis*
—	*Danthonia linkii var. fulva*
—	*Danthonia semiannularis*
—	*Danthonia minor*
Bent grass	*Deyeuxia densa*
Plume grass	*Dichelachne inaequiglumis*
Spider grass	*Digitaria ammophila*
Small-flowered beetle-grass	*Diplachne parviflora*
Channel millet	*Echinochloa inundata*
Rough-beard grass	*Echinopogon ovatus*
Spike lovegrass	*Eragrostis confertiflora*
Purple lovegrass	*Eragrostis lacunaria*
—	*Festuca benthamiana*
Kunai grass	*Imperata cylindrica var. major*
—	*Neurachne lanigera*
Slender panic	*Paspalidium gracile*
Tussock grass	*Poa halmaturina*
Tussock grass	*Poa rodwayi*
—	*Poa umbricola*
Bamboo spear-grass	*Stipa breviglumis*
Wiry spear-grass	*Stipa muelleri*
—	*Stipa multispiculis*
Spear grass	*Stipa multispiculis*
—	*Stipa nullanulla*
—	*Stipa plumigera*
—	*Stipa pubinodis*
—	*Stipa stuposa*
—	*Stipa vickeryana*
—	*Triodia lanata*
Gummy spinifex	*Triodia pungens var. pungens*
Manila grass	*Zoysia matrella*
	GUTTIFERAE
Matted St Johns wort	*Hypericum japonicum*
	HALORAGACEAE
Creeping raspwort	*Gonocarpus micranthus ssp. micranthus*
—	*Haloragis eichleri*
Broad water-milfoil	*Myriophyllum amphibium*
—	*Myriophyllum variifolium*
	HYDROCHARITACEAE
Waterthyme	*Hydrilla verticillata*
	HYPOXIDACEAE
—	*Hypoxis hygrometrica var. hygrometrica*
	ISOETACEAE
Plain quillwort	*Isoetes drummondii*
Quillwort	*Isoetes muelleri*

SCHEDULE 9

Rare Species

PART II

PLANTS—*continued*

COMMON NAME	SPECIES
	JUNCACEAE
—	*Juncus amabilis*
Australian woodrush	*Luzula australasica*
Woodrush	*Luzula densiflora*
	JUNCAGINACEAE
Six-point arrowgrass	*Triglochin hexagonum*
	LABIATAE
Water horehound	*Lycopus australis*
Slender mint	*Mentha diemenica*
Native pennyroyal	*Mentha satureioides*
Downy mint bush	*Prostanthera behriana*
Green mint bush	*Prostanthera chlorantha*
—	*Prostanthera nudula*
Dwarf skullcap	*Scutellaria humilis*
—	*Teucrium grandiusculum*
	LEGUMINOSAE
—	*Acacia alcockii*
Baratta wattle	*Acacia barattensis*
Needle wattle	*Acacia carnei*
—	*Acacia confluens*
Sticky wattle	*Acacia dodonaeifolia*
—	*Acacia erinacea*
Georgina gidgea	*Acacia georginae*
Graceful wattle	*Acacia gracilifolia*
Ploughshare wattle	*Acacia gunnii*
—	*Acacia helmsiana*
Flinders Range wattle	*Acacia iteaphylla*
Coonavittra wattle	*Acacia jennerae*
Nealie	*Acacia loderi*
Mallee wattle	*Acacia montana*
—	*Acacia pachyacra*
Gidgee	*Acacia pruinocarpa*
Quorn wattle	*Acacia quornensis*
Dagger-leaved wattle	*Acacia rhigiophylla*
—	*Acacia rhodophloia*
—	*Acacia spilleriana*
—	*Acacia symonii*
—	*Acacia tenuior*
—	*Daviesia arthropoda*
—	*Daviesia benthamii ssp. humilis*
Thorny bitter-pea	*Daviesia pectinata*
Bitter pea	*Daviesia stricta*
Variable glycine	*Glycine tabacina*
Rusty pods	*Hovea longifolia var. longifolia*
—	*Leptorhynchos scabrus*
Clustered bush pea	*Pultenaea dentata*
Rough bush pea	*Pultenaea scabra*
Terete-leaved bush-pea	*Pultenaea teretifolia var. brachyphylla*
Kangaroo Island bush-pea	*Pultenaea trifida*
Yellow bush-pea	*Pultenaea villifera var. glabrescens*
Rhynchosia	*Rhynchosia minima*
Leafless globe-pea	*Sphaerolobium vimineum*
—	*Swainsona dictyocarpa*
—	*Swainsona leeana*
Wild violet	*Swainsona microcalyx*
Broughton pea	*Swainsona procumbens*
Ashy-haired swainsona	*Swainsona tephrotricha*
Creeping Darling Pea	*Swainsona viridis*
—	*Templetonia battii*
Native broom	*Viminaria juncea*
	LILIACEAE
Pale grass-lily	*Caesia parviflora var. minor*
Pale flax-lily	*Dianella longifolia var. grandis*
Pale flax-lily	*Dianella longifolia var. porracea*
Fringe-lily	*Thysanotus fractiflexus*
Fringe-lily	*Thysanotus tenellus*
—	*Xanthorrhoea thorntonii*
	LINDSAEACEAE
Screw fern	*Lindsaea linearis*

SCHEDULE 9

Rare Species

PART II

PLANTS—*continued*

COMMON NAME	SPECIES
	LYCOPODIACEAE
Slender club moss	*Lycopodium laterale*
Pigmy clubmoss	*Phylloglossum drummondii*
	MALVACEAE
Flannel weed	*Abutilon oxycarpum var. incanum*
—	*Althaea australis*
Showy lawrencia	*Lawrencia berthae*
Shrub sida	*Sida rohlenae*
	MARSILEACEAE
—	*Pilularia novae-hollandiae*
	MENYANTHACEAE
Entire marshwort	*Nymphoides geminata*
	MYOPORACEAE
—	*Eremophila forrestii*
Coccid emubush	*Eremophila gibbifolia*
—	*Eremophila hillii*
—	*Eremophila interstans var. interstans*
Small-leaved emubush	*Eremophila parvifolia*
—	*Eremophila Peniaptera*
Twiggy emubush	*Eremophila polyclada*
	MYRTACEAE
Prickly bottlebrush	*Callistemon brachyandrus*
Kangaroo Island fringe-myrtle	*Calytrix smeatoniana*
White box	*Eucalyptus albens*
Cong Mallee	*Eucalyptus conglobata*
Darke Peak mallee	*Eucalyptus cretata*
Mount Lindsay gum	*Eucalyptus incurva*
Kingsmill mallee	*Eucalyptus kingsmillii*
Crimson mallee	*Eucalyptus lansdowneana ssp. lansdowneana*
Red stringybark	*Eucalyptus macrorhyncha ssp. macrorhyncha*
Round-leaved mallee	*Eucalyptus orbifolia*
—	*Eucalyptus percostata*
Pimpin mallee	*Eucalyptus pimpiniana*
Candlebark gum	*Eucalyptus rubida*
Northern ranges box	*Eucalyptus sparsa*
Green mallee	*Eucalyptus viridis*
Wyola mallee	*Eucalyptus wyolensis*
Wrinkled honey-myrtle	*Melaleuca fulgens ssp. corrugata*
Pungent honey-myrtle	*Melaleuca leiocarpa*
Dwarf-leaved honey-myrtle	*Melaleuca nanophylla*
Pointed-leaved honey-myrtle	*Melaleuca oxyphylla*
Bottlebrush tea-tree	*Melaleuca squarrosa*
—	*Melaleuca wilsonii*
Fringed heath-myrtle	*Micromyrtus ciliata*
	OLACACEAE
—	*Olax obcordata*
	OPHIOGLOSSACEAE
Large adders tongue	*Ophioglossum polyphyllum*
	ORCHIDACEAE
Limestone spider-orchid	*Caladenia bicalliata*
—	*Caladenia carnea var. gigantea*
Black tongue caladenia	*Caladenia congesta*
—	*Caladenia hastata*
White spider-orchid	*Caladenia patersonii*
—	*Caladenia pusilla*
—	*Caladenia valida*
Copper beard-orchid	*Calochilus campestris*
Small helmet-orchid	*Corybas unguiculatus*
Late donkey-orchid	*Diuris brevifolia*
Cowslip	*Diuris lanceolata*
Tiger-orchid	*Diuris sulphurea*
Cinnamon bells	*Gastrodia sesamoides*
Yellow onion-orchid	*Microtis atrata*
Onion-orchid	*Microtis orbicularis*
Sweet onion-orchid	*Microtis rara*
Horned orchid	*Orthoceras strictum*
Austral leek-orchid	*Prasophyllum australe*
—	*Prasophyllum validum*
Blunt green-hood	*Pterostylis curta*

SCHEDULE 9

Rare Species

PART II

PLANTS—*continued*

COMMON NAME	SPECIES
Slender green-hood	*Pterostylis foliata*
Forked green-hood	*Pterostylis furcata*
Ladies tresses	*Spiranthes sinensis*
Small pink sun-orchid	*Thelymitra carnea var. carnea*
Twisted sun-orchid	*Thelymitra flexuosa*
Leopard sun-orchid	*Thelymitra fuscolutea var. fuscolutea*
Plum orchid	*Thelymitra mucida*
	PITTOSPORACEAE
—	*Billardiera procumbens*
—	*Billardiera scandens var. scandens*
Pale apple-berry	*Billardiera versicolor*
	POLYGALACEAE
Small milkwort	*Comesperma polygaloides*
	POLYGONACEAE
—	*Muehlenbeckia coccoloboides*
Mud dock	*Rumex bidens*
	PORTULACACEAE
Bead parakeelya	*Calandrinia sphaerophylla*
—	*Calandrinia stagnensis*
	PRIMULACEAE
—	*Samolus eremaeus*
	PROTEACEAE
—	*Grevillea anethifolia*
Prickly grevillea	*Grevillea aquifolium*
—	*Grevillea rogersii*
Spider flower or grevillea	*Grevillea umbellifera*
Hakea	*Hakea aenigma*
Hooked needlewood	*Hakea tephrosperma*
	PTERIDACEAE
Tender brake	*Pteris tremula*
	RANUNCULACEAE
River buttercup	*Ranunculus inundatus*
Thick-fruit buttercup	*Ranunculus pachycarpus*
Slender buttercup	*Ranunculus robertsonii*
	RESTIONACEAE
Scale-rush	*Lepyrodia valliculae*
	RHAMNACEAE
Pretty cryptandra	*Cryptandra amara var. floribunda*
—	*Pomaderris forrestiana*
—	*Spyridium bifidum var. integrifolium*
Rough Kangaroo Island spyridium	*Spyridium halmaturinum var. scabridum*
Silvery spyridium	*Spyridium leucopogon*
	RUBIACEAE
Water woodruff	*Asperula subsimplex*
—	*Asperula syrticola*
—	*Canthium attenuatum*
—	*Galium curvihirtum*
Dwarf nertera	*Nertera reptans*
Broad-leaved stink weed	*Opercularia ovata*
	RUTACEAE
—	*Asterolasia muricata*
Swamp boronia	*Boronia parviflora*
Hairy boronia	*Boronia pilosa*
Hairy correa	*Correa aemula*
White correa	*Correa alba var. pannosa*
—	*Correa calycina*
Narrow-leaved wax-flower	*Eriostemon angustifolius ssp. angustifolius*
Wilga	*Geijera parviflora*
Spreading phebalium	*Phebalium brachyphyllum*
Phebalium	*Phebalium hillebrandii*
—	*Phebalium lowanense*
Pink zieria	*Zieria veronicea*
	SANTALACEAE
—	*Anthobolus leptomerioides*
Yellow-flowered sour-bush	*Choretrum chrysanthum*
Spiked sour-bush	*Choretrum spicatum*

SCHEDULE 9

Rare Species

PART II

PLANTS—*continued*

COMMON NAME	SPECIES
Pale-fruit ballart	*Exocarpos strictus*
Currant bush	*Leptomeria preissiana*
	SAPINDACEAE
Hop bush	*Dodonaea intricata*
	SCROPHULARIACEAE
—	*Euphrasia collina ssp. collina*
Small monkey-flower	*Mimulus prostratus*
—	*Parahebe decorosa*
Derwent speedwell	*Parahebe derwentiana*
Port Lincoln speedwell	*Veronica parnkalliana*
	SOLANACEAE
Narrow-leaved ray-flower	*Anthocercis angustifolia*
Spiny ray-flower	*Anthocercis anisantha ssp. anisantha*
	STACKHOUSIACEAE
—	*Stackhousia megaloptera*
	STERCULIACEAE
Grey felt-bush	*Hannafordia bissellii*
Common firebush	*Keraudrenia integrifolia*
	STYLIDIACEAE
Kangaroo Island trigger-plant	*Stylidium tepperanum*
	THELYPTERIDACEAE
Soft shield-fern	*Christella dentata*
	THYMELAEACEAE
Sandhill riceflower	*Pimelea penicillaris*
—	*Pimelea williamsonii*
	UMBELLIFERAE
Prostrate blue devil	*Eryngium vesiculosum*
—	*Hydrocotyle comocarpa*
Spreading pennywort	*Hydrocotyle crassiuscula*
Hairy pennywort	*Hydrocotyle hirta*
—	*Neosciadium glochidiatum*
Kangaroo Island platysace	*Platysace heterophylla var. tepperi*
—	*Xanthosia tasmanica*
	VIOLACEAE
Tree violet	*Hymenanthera dentata*
Pale violet	*Viola cleistogamoides*
	XYRIDACEAE
Tall yellow-eye	*Xyris operculata*
	ZANNICHELLIACEAE
—	*Zannichellia palustris*
	ZYGOPHYLLACEAE
—	*Zygophyllum crassissimum*
Small-fruit twin leaf	*Zygophyllum humillimum*
—	*Zygophyllum hybridum*
—	*Zygophyllum kochii*

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 cecilae)*
Little Raven *(Corvus mellori)*
Wild Dog (Dingo) *(Canis familiaris)*

SCHEDULE 11

Species To Which Part V Division IVA Applies

Emu	DROMAIUS NOVAEHOLLANDIAE

APPENDIX 1

LEGISLATIVE HISTORY

Repeals

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

- 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.

- Certain textual alterations were made to this Act by the Commissioner of Statute Revision when preparing the reprint of the Act that incorporated all amendments in force as at 11 July 1988. A schedule of these alterations was laid before Parliament on 16 August 1988.

- Legislative history since 3 February 1976 **(entries in bold type indicate amendments incorporated since the last reprint)** is as follows:

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 "marine mammal" inserted by 45, 1993, s. 3
	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 "wilderness protection area" inserted by 28, 1992, Sched. 1
	definition of "wilderness protection zone" inserted by 28, 1992, Sched. 1
	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(2a):	**inserted by 54, 1993, s. 11**
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-45*l* 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 47(1):	amended by 28, 1992, Sched. 1
Section 47(4):	amended by 71, 1992, s. 3(1) (Sched.)
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; amended by 45, 1993, s. 4
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 52(2):	amended by 28, 1992, Sched. 1
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.; 71, 1992, s. 3(1) (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 55:	amended by 71, 1992, s. 3(1) (Sched.)
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.; 71, 1992, s. 3(1) (Sched.)
Section 60:	amended by 19, 1981, s. 4 (Sched.); substituted by 94, 1987, s. 39
Section 60(1):	amended by 45, 1993, s. 5
	Division IVA of Part V comprising ss. 60a - 60f and heading inserted by 45, 1993, s. 6
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.; 71, 1992, s. 3(1) (Sched.)
Section 64(3) and (4)	amended by 19, 1981, s. 4 (Sched.); 94, 1987, Sched.; 71, 1992, s. 3(1) (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 66(2):	amended by 71, 1992, s. 3(1) (Sched.)
Section 68:	amended by 19, 1981, s. 4 (Sched.); 94, 1987, Sched.; substituted by 45, 1993, s. 7
Heading preceding section 68a:	inserted by 94, 1987, s. 42
Section 68a(1):	amended by 19, 1981, s. 4 (Sched.); 94, 1987, Sched.; 71, 1992, s. 3(1) (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
Section 68b(1), (3) and (4):	amended by 71, 1992, s. 3(1) (Sched.)
	Division II of Part VA comprising ss. 68c - 68e and heading inserted by 94, 1987, s. 45
Section 68d(1) - (4):	amended by 28, 1992, Sched. 1
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; amended by 71, 1992, s. 3(1) (Sched.)
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.; 71, 1992, s. 3(1) (Sched.)
Section 73(2):	amended by 19, 1981, s. 4 (Sched.); substituted by 94, 1987, Sched.; amended by 71, 1992, s. 3(1) (Sched.)
Section 74(2):	amended by 19, 1981, s. 4 (Sched.); substituted by 94, 1987, Sched.
Section 74a:	inserted by 28, 1992, Sched. 1
Section 75(2):	amended by 28, 1992, Sched. 1
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
Part I:	amended by 57, 1991, reg. 3(a)
Part II:	amended by 57, 1991, reg. 3(b)
Schedule 8:	substituted by 54, 1981, s. 2; 94, 1987, s. 52
Part I:	amended by 57, 1991, reg. 4(a)
Part II:	amended by 57, 1991, reg. 4(b)
Schedule 9:	substituted by 94, 1987, s. 52
Part I:	amended by 57, 1991, reg. 5(a)
Part II:	amended by 57, 1991, reg. 5(b)
Schedule 11:	inserted by 45, 1993, s. 8

APPENDIX 2

DIVISIONAL PENALTIES AND EXPIATION FEES

At the date of publication of this reprint divisional penalties and expiation fees are, as provided by section 28a of the *Acts Interpretation Act 1915*, as follows:

Division	Maximum imprisonment	Maximum fine	Expiation fee
1	15 years	$60 000	—
2	10 years	$40 000	—
3	7 years	$30 000	—
4	4 years	$15 000	—
5	2 years	$8 000	—
6	1 year	$4 000	$300
7	6 months	$2 000	$200
8	3 months	$1 000	$150
9	-	$500	$100
10	-	$200	$75
11	-	$100	$50
12	-	$50	$25

Note: This appendix is provided for convenience of reference only.