



## NATIONAL PARKS AND WILDLIFE

No. 85 of 1974

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**AN ACT to amend the National Parks and Wildlife Act 1970.**

[19 December 1974]

**BE** it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1—**(1) This Act may be cited as the *National Parks and Wildlife Act 1974*. Short title, citation, and commencement.

(2) The *National Parks and Wildlife Act 1970*, as subsequently amended, is in this Act referred to as the Principal Act.

(3) Sections 5 and 9 shall commence on a date to be fixed by proclamation.

Adoption of emblem for use by the Service.

**2** After section 8 of the Principal Act the following section is inserted in Division I of Part II:—

“8A—(1) The Governor may, by order, determine the emblem to be adopted for use by the Service, that emblem being referred to in this section as ‘the authorized emblem’.

“(2) No person shall, without the permission of the Director—

(a) have in his possession or under his charge or control any article bearing; or

(b) use for the purposes of any business or other activity carried on by him or in which he is engaged,

the authorized emblem or any other emblem that is capable of being mistaken for that emblem.

Penalty: \$100.”.

Functions of managing authority in relation to reserved land.

**3** Section 23 of the Principal Act is amended—

(a) by omitting subsection (1) and substituting therefor the following subsections:—

“(1) Subject to this Act, the managing authority for any reserved land is charged with the management and maintenance of that land in a manner designed to promote the purposes for which land may be set aside under this Act and may use or arrange for the use of that land as it considers appropriate for effecting those purposes.

“(1A) For the purpose of the discharge of its functions in relation to any reserved land, a management authority may do, or arrange for the doing of, such things as it considers necessary, including the erection or construction of any buildings or other works and the purchase or other acquisition of any articles or other things.”; and

(b) by omitting from subsection (3) the words “provisions of subsection (1)” and substituting therefor the words “foregoing provisions”.

Regulations with respect to reserved lands.

**4** Section 29 of the Principal Act is amended—

(a) by inserting in subsection (1), after paragraph (b), the following paragraph:—

“(ba) the preservation or protection of the property or other things therein;” and

(b) by adding at the end of the section the following subsection:—

“(8) No action lies in respect of the failure of any person to exercise a power conferred on him by regulations made for the purposes of this section to exclude or eject any other person from any land.”.

**5** Section 31 of the Principal Act is amended by omitting from subsection (1) (c) the words “ a seal or ”. Interpretation of Part V.

**6** Section 34 of the Principal Act is amended by omitting from subsection (7) (c) the words “ twenty dollars ” and substituting therefor the amount “ \$100 ”. Supplementary provisions as to wildlife regulations.

**7** After section 47 of the Principal Act the following sections are inserted in Part VI thereof:—

“ 47A—(1) In any proceedings for an offence under this Act, every place specified in a complaint as being within a conservation area, or within a State reserve, a local reserve, or a private reserve shall be deemed to be within that area or reserve in the absence of proof to the contrary. Evidentiary provision.

“(2) If a defendant in proceedings for an offence against this Act produces proof to the satisfaction of the magistrate before whom the proceedings are heard that a place specified in the relevant complaint is not within a conservation area, a State reserve, local reserve, or private reserve, the defendant is entitled to the costs incurred by him in supplying that proof.

“(3) This section expires at the expiration of the period of 24 months after the commencement of the *National Parks and Wildlife Act 1974*.

“ 47B—(1) No action lies in respect of the giving of advice, or the failure to give advice, by any person to whom this section applies while he is acting in good faith in the administration of this Act. Protection of authorized officers.

“(2) This section applies to authorized officers and persons prescribed pursuant to section 29 (3) (a).”.

**8** The second Schedule to the Principal Act is amended by omitting from paragraph 2 (5) of Part II thereof the words “ and other ” and substituting therefor the words “ any other ”. Amendment of the second Schedule.

Saving.

**9** Nothing in the Principal Act, as amended by this Act, prohibits the taking of seals pursuant to a licence issued under regulation 16 of the *Sea Fisheries Regulations* 1962.