

TASMANIA

**NATIONAL PARKS AND RESERVES
MANAGEMENT BILL 2002**

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NATIONAL PARKS AND RESERVES MANAGEMENT BILL 2002

*(Brought in by the Minister for Primary Industries, Water
and Environment, the Honourable Bryan Alexander Green)*

A BILL FOR

An Act to provide for the management of national parks and other reserved land, to repeal the *National Parks and Wildlife Act 1970* and related Acts and for related purposes

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:

PART 1 - PRELIMINARY

Short title

1. This Act may be cited as the *National Parks and Reserves Management Act 2002*.

Commencement

2. This Act commences on a day to be proclaimed.

Interpretation

3. (1) In this Act, unless the contrary intention appears –

“Appeal Tribunal” means the Resource Management and Planning Appeal Tribunal established under the *Resource Management and Planning Appeal Tribunal Act 1993*;

“authorised officer” means –

- (a) a police officer, within the meaning of the *Police Regulation Act 1898*; and
- (b) a ranger;

“biological diversity” means the variety of –

- (a) plants, animals and micro-organisms; and
- (b) the genes contained in plants, animals and micro-organisms; and
- (c) the ecosystems of which plants, animals and micro-organisms form part;

“building” means anything built or constructed;

“business licence” means a licence issued under section 41 that is in force;

“Commission” means the Resource Planning and Development Commission established under section 4 of the *Resource Planning and Development Commission Act 1997*;

“conservation area” has the same meaning as in the *Nature Conservation Act 2002*;

“Conservation Management Trust” means a Conservation Management Trust established under section 31;

“conservation purpose” means –

- (a) any purpose specified in Column 3 of Schedule 1 to the *Nature Conservation Act 2002*; and
- (b) any purpose that, in the opinion of the Governor, would promote the better management or more effective use of any reserved land;

“conservation society” means a society or other body having as its objects, or one of its objects, the promotion or encouragement of the carrying out of any conservation purpose in relation to land generally or to any particular land or particular kind of land;

“container” includes wrapping;

“conveyance” means any vehicle, vessel or aircraft, or any other contrivance intended for the carriage of persons or goods over land or water or in the air;

“Council” means the National Parks and Wildlife Advisory Council continued by section 12;

“Crown land” means any land vested in the Crown (whether or not subject to any private right) other than land vested in the Crown that is contracted to be granted in fee simple;

“department” has the same meaning as in the *Administrative Arrangements Act 1990*;

“Director” means the Director of National Parks and Wildlife appointed under section 6;

“forest reserve” has the same meaning as in the *Forestry Act 1920*;

“Forestry corporation” means the corporation established under section 6 of the *Forestry Act 1920*;

“functions” includes duties;

“game” has the same meaning as in the *Nature Conservation Act 2002*;

“game reserve” has the same meaning as in the *Nature Conservation Act 2002*;

“geological diversity” means the natural range of geological, geomorphological and soil features, assemblages, systems and processes;

“historic site” has the same meaning as in the *Nature Conservation Act 2002*;

“hunting equipment” has the same meaning as in the *Nature Conservation Act 2002*;

“improvements” means all work done and materials used on or for the benefit of any land which visibly and effectively improve or increase the value of the land;

“land” includes –

- (a) land covered by the sea or other waters; and
- (b) the part of the sea or those waters covering that land;

“leased reserve” has the same meaning as in the *Nature Conservation Act 2002*;

“management objectives”, in relation to any class of reserved land, means the management

objectives specified in Schedule 1 for that class of reserved land;

“management plan”, in respect of reserved land, means the plan approved under section 19;

“managing authority” means the managing authority for reserved land, as specified in section 29;

“Minister for Crown Lands” means the Minister for the time being administering the *Crown Lands Act 1976*;

“national park” has the same meaning as in the *Nature Conservation Act 2002*;

“nature recreation area” has the same meaning as in the *Nature Conservation Act 2002*;

“nature reserve” has the same meaning as in the *Nature Conservation Act 2002*;

“owner” means –

- (a) in the case of land vested in the Crown which is contracted to be granted in fee simple, the person to whom it is so contracted; and
- (b) in any other case, the person who, under the *Land Acquisition Act 1993* or otherwise, is entitled to sell, convey or surrender a freehold estate in that land to the Crown;

“plant” has the same meaning as in the *Nature Conservation Act 2002*;

“prescribed body”, in relation to the management of reserved land, means –

- (a) the public authority in which that land is vested; and
- (b) a public authority having jurisdiction over the locality in which that land is located; and
- (c) a body corporate –
 - (i) whose objectives or purposes in the opinion of the Minister are primarily conservation purposes; and
 - (ii) that in the opinion of the Minister has a structure and capacity to effectively exercise the functions of a managing authority;

“private land” means land other than Crown land or land vested in a public authority;

“private nature reserve” has the same meaning as in the *Nature Conservation Act 2002*;

“private right”, in relation to Crown land, means any estate, interest or right (not being an interest arising under a contract for the grant of an estate in fee simple) pursuant to which its holder has one or more of the following rights:

- (a) the right to occupy or use that land;
- (b) the right to carry out any operations on that land;
- (c) the right to take any products of, or materials in or on, that land, including materials beneath the surface of that land;

“private sanctuary” has the same meaning as in the *Nature Conservation Act 2002*;

“products”, in relation to wildlife, has the same meaning as in the *Nature Conservation Act 2002*;

“public authority” means –

- (a) a council within the meaning of the *Local Government Act 1993*; and
- (b) any other body corporate established by an enactment having jurisdiction limited to a district, locality or part of the State; and
- (c) a statutory authority;

“public reserve” has the same meaning as in the *Crown Lands Act 1976*;

“purposes of reservation”, in relation –

- (a) to any reserved land, means the purposes for which that land was reserved; and
- (b) to any class of reserved land, the purposes of reservation specified in Column 3 of Schedule 1 to the *Nature Conservation Act 2002* in relation to that class;

“ranger” means a person appointed as a ranger, or authorised to perform the functions and exercise the powers of a ranger, under section 10;

“regional reserve” has the same meaning as in the *Nature Conservation Act 2002*;

“regulations” means regulations made and in force under section 91;

“reserved land” has the same meaning as in the *Nature Conservation Act 2002*;

“resource management and planning system objectives” means the objectives of the resource management and planning system of Tasmania as set out in Schedule 2;

“restricted area” means reserved land, or a part of reserved land, declared in a management plan, under section 37, to be a restricted area;

“Secretary” means the Secretary of the Department;

“special advisory committee” means a special advisory committee established under section 17;

“State reserve” has the same meaning as in the *Nature Conservation Act 2002*;

“statutory authority” means an incorporated or unincorporated body which is established, constituted or continued by or under an Act or under the royal prerogative, being a body which, or of which the governing authority, wholly or partly comprises a person or persons appointed by the Governor, a Minister of the Crown or another statutory authority;

“statutory power” means –

- (a) a power under an enactment, other than this Act, for one or more of the following purposes:

- (i) the reservation or dedication of Crown land for any purpose;
 - (ii) the alienation of, or the grant of private rights in or over, any such land;
 - (iii) the carrying out of any works or other operations on any such land; and
- (b) a power that, under an enactment other than this Act, may be exercised by a public authority in relation to land vested in it;

“wildlife” has the same meaning as in the *Nature Conservation Act 2002*;

“World Heritage Area” has the same meaning as in Part 6 of the *Public Land (Administration and Forests) Act 1991*.

(2) A reference in this Act to the taking of any wildlife or the taking of a form of wildlife that is game includes a reference to the killing, destroying, hunting, pursuing, catching, shooting, netting, snaring or injuring that wildlife or that form of wildlife.

(3) A reference in this Act to the taking of a product of any wildlife includes a reference to the carrying out of any operation –

- (a) for the purpose of obtaining that product; or
- (b) that has the effect of destroying or damaging that product.

(4) A reference in this Act to the taking of any plant includes a reference –

- (a) to the destroying or damaging of that plant;
and
- (b) to the taking, destroying or damaging of any
fruit or seeds of that plant or any product or
part of that plant.

(5) A reference in this Act to the taking of any thing includes a reference to attempting to take, or assisting in the taking of, that thing.

(6) For the purposes of this Act, a person is taken to have a thing in his or her possession –

- (a) if it is in the person's possession, or under the person's control, in any place or conveyance, whether for the use or benefit of the person or another person; or
- (b) if it is –
 - (i) in or on any place or conveyance occupied, controlled or used by the person; or
 - (ii) used or controlled by the person in or on any place or conveyance –

even though another person has the actual possession or custody of the thing, unless the person proves that he or she had no knowledge of that thing.

(7) Unless the contrary intention appears, a reference in this Act to a thing includes a reference to a living thing.

Act binds Crown

4. (1) This Act binds the Crown in right of Tasmania and, so far as the legislative power of Parliament permits, in all its other capacities.

(2) Nothing in this Act renders the Crown in right of Tasmania liable to be prosecuted for an offence against this Act.

Compliance with resource management and planning system objectives

5. (1) In exercising any powers or performing any functions under this Act in relation to any reserved land, a person is to have regard to the resource management and planning system objectives.

(2) In the case of reserved land for which there is a management plan, if there is any inconsistency between the resource management and planning system objectives and the provisions of the management plan, the provisions of the management plan prevail.

(3) In the case of reserved land for which there is no management plan, if there is any inconsistency between the resource management and planning system objectives and the management objectives for the class of that reserved land or the purposes for which that land was reserved, the latter objectives and the purposes prevail.

PART 2 – ADMINISTRATION***Division 1 – Director of National Parks and Wildlife*****Director of National Parks and Wildlife**

6. The Governor may appoint a State Service officer or State Service employee to be Director of National Parks and Wildlife and that officer or employee holds that office in conjunction with State Service employment.

Functions of Director

7. (1) Subject to this Act, the Director has the following functions:

- (a) acting as a managing authority as required under this Act and giving advice and assistance to other managing authorities;
- (b) keeping the setting aside of land for conservation purposes under review;
- (c) carrying out, or arranging for the carrying out of, research and other activities that appear to the Director to be desirable in connection with the administration of this Act;
- (d) carrying out, or promoting the carrying out of, educational activities, and providing and disseminating information, related to the conservation of the fauna, flora or geological diversity of the State or other matters arising in connection with the administration of this Act;
- (e) providing to the Council and the special advisory committees such information as they

may require and is reasonably available to the Director in connection with the carrying out of his or her functions under this Act;

- (f) preparing plans, in relation to reserved lands, with a view to their submission to the Governor for approval as management plans for those lands and keeping the provisions of management plans under review;
- (g) providing effective means for the enforcement of the regulations;
- (h) carrying out functions, as agreed by the Director, in relation to land which is, or becomes, the subject of a conservation covenant under Part 5 of the *Nature Conservation Act 2002*.

(2) The Minister may give directions to the Director with respect to the carrying out of his or her functions under this Act and, in carrying out those functions, the Director is to comply with any such directions.

(3) The Minister must not give a direction under subsection (2) with respect to the making by the Director of any recommendation required under any provision of this Act.

Arrangements in respect of *Nature Conservation Act 2002*

8. (1) The Director may enter into arrangements with the Secretary of the responsible Department in relation to the *Nature Conservation Act 2002* for the purpose of furthering the objectives of that Act.

(2) An arrangement may be made with respect to one or more of the following matters:

- (a) the provision of staff and other resources;
- (b) any other matter.

Appointment of officers

9. (1) Subject to and in accordance with the *State Service Act 2000*, persons may be appointed for the purposes of this Act.

(2) The Secretary, with the approval of another Head of a State Service Agency, may appoint a State Service officer or State Service employee employed in that Agency to undertake any functions for the purposes of this Act and that officer or employee may undertake those functions in conjunction with State Service employment.

Rangers

10. (1) The Secretary may appoint a State Service officer or State Service employee employed in the Department to be a ranger and that officer or employee may hold that office in conjunction with State Service employment.

(2) The Secretary, with the consent of another Head of a State Service Agency, may appoint a State Service officer or State Service employee employed in that Agency to be a ranger and that officer or employee may hold that office in conjunction with State Service employment.

(3) The Secretary may authorise a person who is not a State Service officer or State Service employee to perform the functions and exercise the powers of a ranger.

(4) An appointment as a ranger under subsection (1) or (2), or an authorisation under subsection (3), may be limited to the reserved land specified in the appointment or authorisation.

(5) If the managing authority for any reserved land is not the Director, that authority, with the approval of the Secretary, may appoint a ranger in respect of that reserved land.

(6) A ranger appointed under subsection (1), (2) or (5), or a person authorised under subsection (3), in respect of particular reserved land is not to perform the functions or exercise the powers of a ranger under this Act in respect of any other land.

Adoption of emblem for use by Director

11. (1) The Governor, by order, may determine the authorised emblem to be adopted for use by the Director.

(2) A person must not, without the permission of the Director –

- (a) have in his or her possession or under his or her charge or control any article bearing; or
- (b) use for the purposes of any business or other activity carried on by him or her or in which he or she is engaged –

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

Penalty: Fine not exceeding 5 penalty units.

***Division 2 - National Parks and Wildlife Advisory
Council, &c.*****National Parks and Wildlife Advisory Council**

12. The National Parks and Wildlife Advisory Council established by the *National Parks and Wildlife Act 1970* is continued.

Constitution of Council

13. (1) The Council consists of not more than 12 persons appointed by the Governor on the nomination of the Minister.

(2) The persons nominated for membership of the Council are to be persons who, in the opinion of the Minister –

- (a) have an interest in, and an ability to contribute to, the objectives of this Act; and
- (b) have the capacity to offer independent advice, taking into account community views and expectations.

(3) The Governor may appoint a member as chairperson of the Council.

(4) A person appointed as the chairperson is to be so appointed for the term specified in the instrument of his or her appointment and, subject to this section, ceases to hold the office of chairperson at the expiration of that term.

(5) A member continues in office for the term, not exceeding 3 years, specified in the instrument of appointment, unless that member sooner resigns, is removed from office or otherwise ceases to hold office.

(6) If a member dies or ceases to hold office otherwise than by reason of the effluxion of time, the member appointed to fill the vacancy ceases to hold office at the expiration of the unexpired term of office of the member in whose place he or she is appointed.

(7) The members are not, as members, subject to the *State Service Act 2000*, but a State Service officer or State Service employee may hold office as a member of the Council in conjunction with State Service employment.

(8) At a meeting of the Council, the chairperson of the Council or, if the chairperson is absent or there is no chairperson, another member present and chosen by the members present is to preside.

(9) The chairperson or other member presiding at a meeting of the Council has a deliberative vote only and, in the event of an equality of votes on any matter before a meeting of the Council, that matter stands adjourned to the next meeting of the Council.

(10) Six members of the Council constitute a quorum at any meeting of the Council.

(11) The following persons have a right to attend a meeting of the Council:

- (a) the Director, or a person nominated by the Director;
- (b) the Secretary of the responsible Department in relation to the *Nature Conservation Act 2002*, or a person nominated by that Secretary.

(12) Subject to this Act, the Council may regulate its own proceedings.

(13) The chairperson and the other members –

- (a) are to be paid the remuneration determined by the Governor; and
- (b) may be paid the travelling and other allowances determined by the Governor.

(14) If the chairperson or another member is a State Service officer or State Service employee, that person is not entitled to be paid an allowance referred to in subsection (13)(b) except with the approval of the Head of the State Service Agency in which he or she is employed.

Functions of Council

14. (1) The functions of the Council are as follows:

- (a) to advise the Minister on the administration of this Act, including on matters referred to it by the Minister;
- (b) to provide a forum for consultation on policy issues of State significance that are related to this Act;
- (c) to maintain an overview of the relevance of the Director's role and achievements relative to public expectations;
- (d) to promote understanding and acceptance of the Director's role and associated programs;
- (e) to encourage, and act as a focal point for, community support for projects carried out and services provided under this Act;
- (f) to review management plans.

(2) Without prejudice to the generality of subsection (1), where the Minister refers to the Council any matter related to the administration of this Act, the

Council is to consider that matter and report on it to the Minister with such recommendations as it may consider appropriate in the circumstances as soon as practicable.

Assistance to Council

15. Subject to this Act, the Minister may make arrangements to make available to the Council such accommodation and assistance as it may require.

Removal of members of Council

16. (1) The Governor may remove any member of the Council from office if the Governor is satisfied that the member –

- (a) has become, in the opinion of the Governor, permanently incapable of carrying out the functions of his or her office; or
- (b) has misconducted himself or herself in the performance of the functions of his or her office; or
- (c) has, by reason of a change of occupation or otherwise, ceased to be a person suitable to represent the interests of the classes of persons that he or she was appointed to represent; or
- (d) has been absent from 3 or more consecutive meetings of the Council without leave of the Council; or
- (e) has applied to take, or takes, advantage of any law relating to bankruptcy, or has compounded, or entered into an arrangement, with his or her creditors; or

- (f) has been convicted (whether in this State or elsewhere) of an offence of a nature that, in the opinion of the Governor, renders it improper for the member to continue to hold his or her office.

(2) Without prejudice to the generality of subsection (1), a member of the Council is taken to have misconducted himself or herself in the performance of the functions of his or her office if –

- (a) he or she votes on any matter before the Council in which he or she has, directly or indirectly, a pecuniary interest; or
- (b) he or she takes part in, or is present at, the discussion of any such matter before the Council without disclosing his or her pecuniary interest to the members of the Council present.

(3) In the case of married persons or de facto partners, within the meaning of the *De Facto Relationship Act 1999*, who are living together, a pecuniary interest of one spouse or one partner is taken for the purposes of this section to be a pecuniary interest of the other spouse or the other partner if the pecuniary interest is known to that other spouse or other partner.

(4) The Governor may not remove a member of the Council otherwise than under this section.

Special advisory committees

17. (1) The Minister, by order, may establish special advisory committees for the purpose of –

- (a) advising the Minister on such matters in relation to the administration of this Act as are specified in the order; or
- (b) advising the Director, or a managing authority, on such matters arising in relation to the performance of his, her or its functions under this Act as are specified in the order.

(2) An order –

- (a) may specify the number of members of the special advisory committee to which it relates; and
- (b) subject to this section, may contain provisions –
 - (i) regulating the appointment of members of the committee; and
 - (ii) regulating the proceedings of the committee; and
 - (iii) giving the Director, or a person nominated by the Director, the right to attend meetings of the committee.

(3) The members of a special advisory committee are appointed by the Minister and the Minister may appoint a member of the committee as its chairperson.

(4) At a meeting of a special advisory committee, the chairperson or, if the chairperson is absent or there is no chairperson, another member present and chosen by the members present is to preside.

(5) The chairperson or other member presiding at a meeting of a special advisory committee has a deliberative vote only and, in the event of an equality of votes on any

matter before a meeting of the committee, the matter stands adjourned to the next meeting of the committee.

(6) At any meeting of a special advisory committee, a quorum is constituted if at least half the total number of members of the committee is present.

(7) Subject to this Act, the Minister may make arrangements to make available to a special advisory committee such accommodation and assistance as it may require.

(8) The members of a special advisory committee are to be paid such travelling and other allowances as the Governor determines.

PART 3 – MANAGEMENT OF RESERVED LAND**Interpretation**

18. In sections 19, 20 and 21 –

“**class**”, in relation to reserved land, means –

- (a) the class referred to in section 16 of the *Nature Conservation Act 2002* that the reserved land is declared to be under that Act; and
- (b) the class of forest reserve if the reserved land is in the World Heritage Area;

“**management objectives**”, in relation to the class of forest reserve, means the objectives specified in Schedule 3 to the *Forestry Act 1920*;

“**purposes of reservation**”, in relation to reserved land in the class of forest reserve, means the purposes specified in section 20(1)(a) of the *Forestry Act 1920*;

“**reserved land**” includes land in the class of forest reserve if that land is included in the World Heritage Area.

Management plans

19. (1) In this section, “**specified**”, in relation to a plan, means specified in that plan.

(2) In accordance with this Part –

(a) plans for the use, development and management of any reserved land may be approved by the Governor; and

(b) any such plan may be a plan that, in whole or in part, rescinds, replaces or alters any plan previously approved under this section in respect of that land.

(3) A plan approved under this section may relate to –

(a) specified reserved land; or

(b) a specified part of any reserved land; or

(c) a specified group of reserved lands; or

(d) a specified class of reserved land.

(4) Before a plan is approved under this section in relation to any land to which the *Mineral Resources Development Act 1995* applies, the Minister is to consult with the Minister having the administration of that Act.

(5) The Governor may not approve a plan under this section unless it is submitted in accordance with this Part.

(6) A plan relating to land in the class of forest reserve may only be approved under this section with the agreement of the Forestry corporation.

(7) A plan relating to any land within a conservation area that includes any land vested in a public authority may only be approved under this section with the agreement of that public authority.

(8) A plan relating to any land within a private sanctuary or private nature reserve may only be approved under this section with the agreement of the owner of that land.

(9) If the Director does not receive the agreement of the owner of land that is a private nature reserve for a management plan prepared for that reserve within 60 days after the agreement is sought, the Director may submit the management plan to the Appeal Tribunal for arbitration.

(10) Before making a decision on a management plan, the Appeal Tribunal is to consult with the Director and the owner of the land.

(11) Any decision of the Appeal Tribunal is binding on all persons.

(12) If a management plan (the “specific plan”) is approved for any reserved land that is within a specified group of reserved lands or class of reserved land for which there is a management plan (the “general plan”), the provisions of the specific plan prevail over the provisions of the general plan to the extent of any inconsistency.

(13) If a forest management plan within the meaning of the *Forestry Act 1920* (the “specific plan”) is approved for any reserved land that is within a specified group of reserved lands or class of reserved land for which there is a management plan (the “general plan”), the provisions of the specific plan apply to the extent that they are consistent with the provisions of the general plan.

Formulation of management plans

20. (1) In this section –

“**Government Business Enterprise**” has the same meaning as in the *Government Business Enterprises Act 1995*;

“**prepare**” includes cause to be prepared;

“responsible officer” means –

- (a) in relation to a department or a statutory authority other than a Government Business Enterprise that is an Agency, within the meaning of the *State Service Act 2000*, the Head of that Agency; and
- (b) in relation to a statutory authority that is a Government Business Enterprise, the chief executive officer of that Government Business Enterprise; and
- (c) in relation to any other statutory authority, the president, chairman or other principal or presiding member of the authority or, if the authority comprises a single person, that person.

(2) The Director is to prepare draft management plans with a view to their submission to the Governor.

(3) Before preparing a draft management plan, the Director is to give a notice to the Secretary of the responsible Department in relation to the *Nature Conservation Act 2002* stating that a draft management plan is to be prepared and inviting the Secretary to provide the information and prescriptions the Secretary wishes to propose for inclusion in the plan in relation to flora, fauna or geological diversity.

(4) If the Director considers that an Act administered in or by means of a department or statutory authority will or may be affected by a restriction on the exercise of a statutory power that it is proposed to include in a management plan, being a statutory power the right to exercise which is conferred on –

- (a) the responsible officer of the department or statutory authority; or
- (b) a person employed in the department or employed by or in the statutory authority (not being the responsible officer of the department or statutory authority); or
- (c) the statutory authority, in the case of an Act administered in or by means of the statutory authority; or
- (d) the Minister responsible for the administration of the department or statutory authority –

the Director, by written notice given to the responsible officer, is to request the responsible officer to provide the Director with written representations stating whether or not the officer considers the inclusion of the restriction in the plan to be necessary or desirable and giving his or her reasons for those representations.

(5) The Director, in a notice given under subsection (3) or (4), may specify a time, being not less than 30 days after the date of the receipt of the notice by the person to whom it is given or any further time the Minister allows, in which the information, prescriptions or representations invited or requested by that notice are to be given to the Director.

(6) A notice given under subsection (3) or (4) may be sent by post, or delivered personally, to the person to whom it is directed.

(7) A draft management plan may only be prepared in relation to any land in the class of forest reserve in consultation with the Forestry corporation.

(8) A draft management plan in respect of any land within a private sanctuary or private nature reserve may

only be prepared in consultation with the owner of the land.

(9) In formulating a draft management plan relating to reserved land the whole or a part of which is the subject of a conservation covenant in force under Part 5 of the *Nature Conservation Act 2002*, the Director is to ensure that the draft management plan is not inconsistent with that conservation covenant.

(10) A draft management plan in respect of any land that is vested in a public authority and that is within a conservation area may only be prepared in consultation with that public authority.

(11) In preparing a draft management plan, the Director is to have regard to the purposes of reservation and the management objectives which apply to –

- (a) the class of reserved land to which the land in respect of which the plan is being prepared belongs; or
- (b) the class of reserved land in respect of which the plan is being prepared.

(12) Before a draft management plan in respect of any reserved land is submitted to the Governor for approval under section 19, the Minister is to –

- (a) provide the Council, the Commission and the Secretary of the responsible Department in relation to the *Nature Conservation Act 2002* with a copy of the draft management plan; and
- (b) publish in at least 3 newspapers circulating within the State a notice –
 - (i) stating that it is proposed to submit a draft management plan in respect of

that land to the Governor for approval;
and

- (ii) specifying the place at which that draft management plan may be inspected and copies obtained; and
- (iii) stating that representations in relation to that draft management plan may be made to the Director by any person, including the Council and the Secretary of the responsible Department in relation to the *Nature Conservation Act 2002*, before a day specified in the notice that is not earlier than 30 days after the date of publication of the notice or any further period the Minister allows; and
- (iv) stating that the Council may make representations directly to the Minister in relation to that draft management plan within 30 days after being provided with a copy of it under this subsection or any further period the Minister allows.

(13) After a notice has been published in respect of a draft management plan under subsection (12), the Director, on the payment of any charge fixed by the Minister, is to provide a copy of that draft management plan to any person requesting it.

(14) Nothing in this section requires a draft management plan to specify all the management objectives for a class of reserved land as the objectives for which any specified reserved land is to be managed.

Review by Director

21. Within 30 days after the specified day referred to in section 20(12)(b)(iii) or within any further period the Minister allows, the Director is to forward to the Commission –

- (a) a copy of any representation made under that section; and
- (b) a report containing –
 - (i) a summary of the representations; and
 - (ii) the Director's opinion on the merits of the representations, including whether or not he or she believes the representations to be of sufficient merit to warrant modification of the draft management plan; and
 - (iii) a summary of any proposed modification to the draft management plan; and
 - (iv) any additional information the Director considers relevant.

Review by Commission

22. (1) The Commission, at the direction of the Minister, is to review the copies of the representations and the report of the Director forwarded under section 21 with reference to the draft management plan.

(2) Within 21 days of receipt of the copies of the representations and the report of the Director, or within any further period the Minister allows, the Commission is to decide whether or not to hold a hearing to assist in its review of the representations.

(3) If the Commission decides to hold a hearing, the Commission is to notify the Minister of that decision.

(4) If the Commission decides not to hold a hearing, the Commission, within 14 days of making that decision, is to give written notice of that decision to –

- (a) the Director; and
- (b) the Minister; and
- (c) any person who has made a representation under section 20(12)(b)(iii).

(5) A hearing is to be conducted in accordance with Part 3 of the *Resource Planning and Development Commission Act 1997*.

Public exhibition

23. (1) The Commission, as soon as practicable after receipt of the copies of the representations and report of the Director forwarded under section 21, is to notify by public notice –

- (a) the places at which copies of the representations and report are to be exhibited; and
- (b) the period during which they are to be exhibited; and
- (c) any other information the Commission considers relevant.

(2) At least one of the places referred to in subsection (1)(a) is to be near the area specified in the draft management plan.

(3) The Director and the Commission may make available any information that may assist public consideration of the representations and the report of the Director at the places referred to in subsection (1)(a).

Report of Commission

24. (1) The Commission, within a period determined by the Minister, is to provide the Minister with –

- (a) a report of its review under section 22; and
- (b) copies of the representations and the report of the Director forwarded under section 21.

(2) As soon as practicable after the period referred to in subsection (1), the Commission is to publish in the *Gazette* notice of –

- (a) the making of its report; and
- (b) where copies of its report are available for inspection by the public.

Submission of management plan

25. (1) The Minister is to submit a draft management plan to the Governor for approval after the Minister has considered –

- (a) the report of the Commission provided to the Minister under section 24(1); and
- (b) copies of the representations and the report of the Director provided to the Minister under that section; and

- (c) any representations made by the Council under section 20(12)(b)(iv).

(2) In considering the matters referred to in subsection (1), the Minister is to have regard to the purposes of reservation and the management objectives which apply to –

- (a) the class of reserved land to which the land in respect of which the draft management plan is being prepared belongs; or
- (b) the class of reserved land in respect of which the draft management plan is being prepared.

(3) A draft management plan submitted for the Governor's approval may be –

- (a) an unaltered plan; or
- (b) a plan containing any alterations the Minister thinks appropriate having regard to the matters specified in subsection (1), other than alterations that may affect a restriction on the exercise of a statutory power included in the plan, unless those alterations were the subject of a previous consultation between the Minister and the Minister administering the Act under which that statutory power is exercised.

Management plans for private sanctuaries and private nature reserves

26. (1) Section 20(12) and (13) and sections 21, 22, 23, 24 and 25 do not apply in respect of a draft management plan relating to a private sanctuary or private nature reserve.

(2) The Minister is to submit a draft management plan in respect of land which is a private sanctuary or private nature reserve to the Governor for approval after the Minister –

- (a) has considered the purposes of reservation and the management objectives which apply to private sanctuaries or private nature reserves; and
- (b) has obtained the agreement of the owner of that land or a favourable decision from the Appeal Tribunal under section 19.

Contents of management plans

27. (1) A management plan for any reserved land –

- (a) may indicate the manner in which the powers of the managing authority under this Act are to be exercised in relation to that land, or any part of that land; and
- (b) may prohibit or restrict, in relation to that land or any part of that land, the exercise of those powers; and
- (c) if the land is a private sanctuary or private nature reserve, may specify the cases and the circumstances in which the owner of the land is bound by the regulations; and
- (d) is to specify the purposes for which that land was reserved; and
- (e) if the management plan relates to particular land of a single class, is to specify any or all of the management objectives which apply to

land of that class as the objectives for which the land is to be managed; and

- (f) if the management plan relates to particular land of a single class, is to specify the reasons for which any management objectives for that class of reserved land –
 - (i) have been specified in the management plan as the objectives for which that land is to be managed; and
 - (ii) have not been specified in the management plan as the objectives for which that land is to be managed; and
- (g) if the management plan relates to more than one class of reserved land, is to specify any or all of the management objectives for each class of reserved land as the objectives for which the land in that class is to be managed; and
- (h) if the management plan relates to more than one class of reserved land, is to specify the reasons for which any management objectives for any of those classes –
 - (i) have been specified in the management plan as the objectives for which the land in that class is to be managed; and
 - (ii) have not been specified in the management plan as the objectives for which the land in that class is to be managed; and
- (i) may specify any condition that applies to the application of any management objective specified in the management plan; and

- (j) is to specify the manner in which the management objectives specified in the management plan are to be achieved; and
- (k) may contain any other provisions that are authorised by this Act to be contained in that plan.

(2) A management plan for any land within a national park, State reserve, nature reserve, game reserve or historic site may make provision for the use or development of that land otherwise than under the powers conferred by this Act and for that purpose may authorise the exercise in relation to that land, subject to any restrictions specified in the plan, of any statutory power.

(3) Any provisions in a management plan giving an authority referred to in subsection (2) are of no effect unless the inclusion of those provisions in that plan is approved by each House of Parliament.

(4) For the purposes of this section, a House of Parliament is taken to have approved the inclusion of provisions in a management plan giving an authority referred to in subsection (2) if a copy of the plan with the provisions clearly indicated has been laid on the table of that House and –

- (a) the inclusion is approved by that House; or
- (b) at the expiration of 5 sitting days after the plan was laid on the table of that House –
 - (i) no notice has been given of a motion to disallow the inclusion; or
 - (ii) if such notice has been given, the notice has been withdrawn or the motion has been negatived; or

- (c) if a notice of a motion to disallow the inclusion has been given but not withdrawn or negatived during that period of 5 sitting days, the notice is withdrawn or the motion is negatived after the expiration of that period.

(5) Notice of approval under subsection (3) of the inclusion in a management plan of provisions referred to in subsection (2) are to be published in the *Gazette* by the Clerk of the House which has granted approval as soon as practicable.

(6) A management plan for any land within a conservation area, nature recreation area, regional reserve, private nature reserve or private sanctuary may prohibit or restrict the exercise in relation to that land of any statutory powers.

(7) Any restriction imposed by a management plan under this section on the exercise of a statutory power may be a restriction specifying the conditions subject to which it may be exercised, or the circumstances in which it may or may not be exercised.

(8) Any condition imposed by a management plan under this section on the exercise of a statutory power may be a condition requiring the carrying out, or designed to facilitate or promote the carrying out, of works and other operations during or after the exercise of that power, or requiring the entering into of contracts or the making of any other arrangements designed to secure the carrying out of those works or operations.

Notification and taking effect of management plans

28. (1) As soon as practicable after the Governor has approved a management plan under section 19, the

Minister is to publish in the *Gazette* notice of the approval of the plan.

(2) If provisions giving an authority referred to in section 27(2) are included in a management plan, the notice of the approval of the plan published under subsection (1) –

- (a) is to state whether or not the inclusion of those provisions in the plan has been approved by each House of Parliament; and
- (b) if the inclusion of those provisions has not been so approved, is to state that –
 - (i) they are of no effect unless their inclusion is so approved; and
 - (ii) an inspection of the plan may be made pursuant to subsection (6) for the purpose of obtaining information about those provisions.

(3) As soon as practicable after the Governor, under section 19, has approved a management plan for reserved land the whole or part of which is subject to a conservation covenant in force under Part 5 of the *Nature Conservation Act 2002*, the Minister is to lodge with the Recorder of Titles a copy of the management plan together with particulars of title to the reserved land subject to that covenant.

(4) Subject to the provisions of the *Land Titles Act 1980*, the Recorder of Titles must register on the folio of the Register constituting the title to the reserved land subject to a conservation covenant referred to in subsection (3) the management plan lodged under that subsection.

(5) Subject to section 27(3), a management plan takes effect on the seventh day after the date of notice of its approval has been published as required by subsection (1).

(6) When notice of the approval of a management plan has been published under subsection (1), the Director –

- (a) on the request of any person and without payment of a fee, is to permit that person to inspect the plan; and
- (b) if it is practicable and on the request of any person and on payment of any charge fixed by the Minister, is to provide that person with a copy of the plan.

Managing authorities for reserves

29. (1) Subject to any orders made under this section, the Director is the managing authority for all reserved land other than –

- (a) reserved land that is within a private sanctuary or private nature reserve; or
- (b) reserved land that is vested in a public authority.

(2) The Governor, by order made with the consent of a prescribed body, may declare that body to be the managing authority for any reserved land other than land within a national park or nature reserve.

(3) The Governor, by order made with the consent of a Conservation Management Trust, may declare that Trust to be the managing authority for any reserved land in a class specified in section 31(2).

(4) An order may not be made under subsection (3) declaring a Conservation Management Trust to be the managing authority for any reserved land unless there is a management plan for that land.

(5) The Governor, by order, may declare the Director to be the managing authority for –

- (a) land within a private sanctuary or private nature reserve; or
- (b) land vested in a public authority.

(6) An order may not be made under this section –

- (a) in respect of land within a private sanctuary or private nature reserve without the consent of the owner of that land; or
- (b) in respect of land vested in a public authority without the consent of the public authority; or
- (c) in respect of land within a leased reserve without the consent of the owner of the land.

(7) An order under this section in respect of any reserved land may make provision with respect to –

- (a) the defraying of the expenses incurred under this Act in relation to that land; and
- (b) the application of any moneys received under this Act by way of rents, charges or otherwise in respect of the land –

and the provisions of this Act and of any enactment relating to any public authority that is the owner of, or the managing authority for, that land have effect subject to the provisions of the order.

(8) An order under this section may be revoked or varied by a further order of the Governor.

(9) The Governor, by order, may declare that, on the day specified in the order, an order under this section by which the Director, a prescribed body or a Conservation Management Trust is declared to be the managing authority for any reserved land ceases to have effect and, on that day, the Director, the prescribed body or the Conservation Management Trust, as the case may be, ceases to be the managing authority for that land.

Functions and powers of managing authority in relation to reserved land

30. (1) Subject to this Act, the managing authority –

- (a) for any reserved land for which there is a management plan is to manage that land for the purpose of giving effect to the management plan and in accordance with that plan; or
- (b) for any other reserved land is to manage that land –
 - (i) in a manner that is consistent with the purposes for which the land was reserved; and
 - (ii) having regard to the management objectives for the class of that reserved land.

(2) For the purpose of the discharge of his, her or its functions in relation to any reserved land, a managing authority may do, or arrange for the doing of, all things he, she or it considers necessary, including the erection or construction of any buildings or other works and the purchase or other acquisition of any things.

(3) Without limiting the generality of subsection (2), the powers conferred by that subsection include power –

- (a) to provide and maintain facilities and conveniences for the use or benefit of persons resorting to reserved land, and to charge for the use of those facilities or conveniences; and
- (b) to sell or let on hire to those persons, or otherwise provide for the use of those persons, goods and other things; and
- (c) to obtain and use for the purpose of the exercise of his, her or its powers under those subsections any produce of, or materials in, reserved land; and
- (d) to make arrangements with any other person for the doing of anything referred to in paragraph (a), (b) or (c).

(4) The arrangements referred to in subsection (3)(d) may be arrangements pursuant to which any person has the right or obligation to do any of the things referred to in subsection (2), and those arrangements may provide for the furnishing of consideration in respect of the giving of that right or the imposition of that obligation.

Establishment of Conservation Management Trust

31. (1) The Minister, by written instrument, may establish a Conservation Management Trust to be a managing authority for any reserved land for which there is a management plan.

(2) A Conservation Management Trust may only be the managing authority in respect of the following classes of reserved land:

- (a) conservation area;
- (b) nature recreation area;
- (c) regional reserve.

(3) The instrument establishing a Conservation Management Trust is to specify the reserved land or group of reserved lands in respect of which the Trust is the managing authority.

Functions of Conservation Management Trust

32. (1) The function of a Conservation Management Trust is to manage the land in respect of which it is the managing authority in accordance with the provisions of the management plan for that reserved land.

(2) The instrument establishing a Conservation Management Trust –

- (a) is to specify the functions of the Conservation Management Trust; and
- (b) may specify any other matter that the Minister considers necessary.

Membership of Conservation Management Trust

33. (1) A Conservation Management Trust is to consist of any of the following persons appointed by the Minister:

- (a) a person nominated by a council or the councils with jurisdiction in the locality where the reserved land or group of reserved lands is situated;

- (b) a person nominated by a Landcare, Bushcare or similar group constituted under the authority of a council or the councils with jurisdiction in the locality where the reserved land or group of reserved lands is situated;
- (c) a person nominated by a body that provides facilities or services to tourists;
- (d) a person nominated by a group whose objectives or purposes in the opinion of the Minister are conservation objectives or purposes;
- (e) a person nominated by a group whose objectives or purposes in the opinion of the Minister are recreational objectives or purposes;
- (f) a person nominated by the Aboriginal Land Council of Tasmania;
- (g) the Director or a person nominated by the Director;
- (h) a person nominated by the Secretary of the responsible Department in relation to the *Nature Conservation Act 2002*;
- (i) a person nominated by any other group or body that, in the opinion of the Minister, is likely to contribute beneficially to the management of the reserved land.

(2) The Minister is to appoint one of the persons referred to in subsection (1) as chairperson of the Trust.

(3) Schedule 3 has effect with respect to the membership and meetings of the Trust.

Revocation of establishment of Conservation Management Trust

34. (1) The Minister may revoke the establishment of a Conservation Management Trust for any reason that the Minister considers necessary by serving a notice to that effect on each of the members of the Trust.

(2) On or after the revocation of the establishment of a Conservation Management Trust, the Minister may give directions as to –

- (a) the disposition of any accounts of the Trust;
and
- (b) the transfer of any liabilities of the Trust.

Dealings with reserved lands

35. (1) A statutory power may not be exercised in relation to any land in a national park, State reserve, nature reserve, historic site or game reserve except where –

- (a) the exercise of the power is authorised by the management plan for that land; or
- (b) the power is a power under the *Nature Conservation Act 2002*.

(2) Subject to any prohibition or restriction imposed by a management plan under section 27(6), nothing in this Act prevents the alienation of, or any other dealing in, any reserved land that is in the class of conservation area, nature recreation area, regional reserve, private sanctuary or private nature reserve.

(3) Despite subsections (1) and (2), if, at the time that any Crown land becomes reserved land or becomes contained within the class of national park, State reserve,

nature reserve, historic site or game reserve, there are subsisting in respect of that land any private rights, nothing in this Act prejudices or affects those rights and they continue to subsist and may be dealt with, and the like powers may be exercised in relation to them, as if that land had not become reserved land or land contained within any of those classes of reserved land.

(4) Despite subsection (3), the power under any Act to terminate, discharge or otherwise abrogate any private right over Crown land that is required for the purposes of any other Act or for any public purpose may be exercised in respect of any such right subsisting over reserved land in any case where the Minister, on the recommendation of the Director, certifies that the land should be freed from that right for the purposes of this Act.

Prohibition on destroying trees

36. A person must not cut down a tree, or damage or otherwise destroy a tree or a fallen tree, that is on reserved land without the approval of the managing authority.

Penalty: Fine not exceeding 500 penalty units or imprisonment for a term not exceeding 2 years, or both.

Restriction of public access to reserved land

37. A management plan for any reserved land may declare that the reserved land, or any part of the reserved land, is a restricted area to which the public does not have a general right of access.

Prohibition on certain activities without business licence

38. (1) A person who is not the holder of a business licence must not, in reserved land that is also Crown land –

- (a) sell or hire out, offer or expose for sale or hiring out, or have in his or her possession for selling or hiring out, any article, material or other thing; or
- (b) provide, offer to provide or hold himself or herself out as willing to provide any service or facility for any monetary or other consideration; or
- (c) take or cause to be taken any photograph or cine, video, movie or television film for or with a view to any monetary or other consideration.

Penalty: Fine not exceeding 10 penalty units.

(2) This section does not apply to a person who holds a lease or licence in force under section 48.

Application for business licence

39. (1) A person may apply to the Minister for a business licence.

(2) An application is to be –

- (a) in writing; and
- (b) accompanied by any prescribed fee; and
- (c) accompanied by any information and documents the Minister requires; and
- (d) lodged with the Minister.

(3) The Minister may remit any or all of the fee for an application.

Granting of business licence

40. (1) The Minister may –

- (a) grant an application for a business licence, with or without conditions; or
- (b) refuse to grant the application.

(2) The Minister, by notice in writing, must notify the applicant of –

- (a) the grant of the application; or
- (b) the refusal to grant the application and the reasons for the refusal.

Issue of business licence

41. (1) On granting an application for a business licence, the Minister is to issue a business licence to the applicant.

(2) A business licence may be in a contractual form or in any other form the Minister determines.

(3) A business licence may be subject to conditions.

Variation of conditions

42. At any time the Minister, by notice in writing to the holder of a business licence, may vary the conditions of the licence.

Term of business licence

43. A business licence is in force for the period specified in the licence.

Renewal of business licence

44. (1) The holder of a business licence may apply, before the licence ceases to be in force, to the Minister for a renewal of the licence.

(2) An application for renewal is to be –

- (a) in writing; and
- (b) accompanied by any prescribed fee; and
- (c) accompanied by any information and documents the Minister requires; and
- (d) lodged with the Minister.

(3) The Minister may –

- (a) grant an application, with or without conditions; or
- (b) refuse to grant the application.

(4) A licence is renewed –

- (a) for a period determined by the Minister; and
- (b) subject to any conditions specified in the licence as renewed.

Transfer of business licence

45. (1) The holder of a business licence may apply to the Minister for approval to transfer the licence.

(2) An application for approval to transfer a business licence is to be –

- (a) in writing; and
- (b) accompanied by any prescribed fee; and
- (c) lodged with the Minister within 7 days before the transfer is to take effect.

(3) The Minister may –

- (a) approve an application, with or without conditions; or
- (b) refuse to approve the application.

(4) A transfer –

- (a) is of no effect unless approved by the Minister; and
- (b) if approved, takes effect on the date of the approval.

Cancellation of business licence

46. The Minister may cancel a business licence if –

- (a) requested to do so by the holder of the licence; or
- (b) the holder of the licence contravenes any condition of the licence.

Delegation to managing authority

47. The Minister may delegate any of his or her functions or powers in relation to a business licence to the managing authority for the reserved land, or part of the reserved land, in respect of which the business licence applies.

Minister may grant leases and licences

48. (1) The Minister may grant leases of, or licences to occupy, reserved land that is Crown land.

(2) A lease of, or licence to occupy, reserved land that is Crown land may be in any form the Minister determines.

(3) Subject to subsections (4), (5) and (6), a lease or licence is granted for the period, and on the conditions, approved by the Minister.

(4) A lease may not be granted for a period exceeding 99 years.

(5) The Minister may not grant a lease or licence that authorises or requires the lessee or licensee to erect a building on land within a national park, State reserve, nature reserve, game reserve or historic site unless the erection of the building is permitted under the management plan or the building is –

- (a) a building appurtenant to a building already on the land; or
- (b) a building that the Minister is satisfied is intended to be used primarily for providing –
 - (i) tourist accommodation or accommodation for people resorting to that land; or

- (ii) facilities and conveniences for people resorting to that land.

(6) The Minister may not grant a lease or licence within a conservation area, nature recreation area or regional reserve that authorises or requires the lessee or licensee to erect a building unless the erection of that building is consistent with –

- (a) the management objectives for the relevant class of reserve; and
- (b) any applicable management plan.

(7) Nothing in this section is to be construed as prejudicing or affecting the operation of the *Forestry Act 1920* or the *Mineral Resources Development Act 1995*.

(8) The Minister may delegate his or her powers under this section to the Director.

Transfer of lease or licence

49. (1) The holder of a lease or licence in force under section 48 may apply to the Minister for approval to transfer the lease or licence.

(2) An application for approval to transfer a lease or licence is to be –

- (a) in writing; and
- (b) accompanied by any prescribed fee; and
- (c) lodged with the Minister within 7 days before the transfer is to take effect.

(3) The Minister may –

- (a) approve an application, with or without conditions; or
 - (b) refuse to approve the application.
- (4)** A transfer –
- (a) is of no effect unless approved by the Minister; and
 - (b) if approved, takes effect on the date of the approval.

Termination or surrender of lease

50. (1) A lease under section 48 of reserved land that is Crown land may be –

- (a) terminated; or
- (b) surrendered by the lessee –

on terms and conditions agreed between the Minister and the lessee.

(2) When a lease under section 48 of reserved land that is Crown land –

- (a) is surrendered; or
- (b) expires; or
- (c) is terminated –

all improvements on the land vest in the Crown absolutely.

(3) Subsection (2) does not apply to a termination or surrender of a lease for the purpose of its consolidation with any other lease.

(4) If a lease under section 48 of reserved land that is Crown land is surrendered or terminated by mutual agreement of the Minister and the lessee, and the Minister receives money from the sale of improvements effected by the lessee, including improvements paid for by the lessee and taken over from the previous lessee, the Minister may, in the Minister's absolute discretion –

- (a) pay to the lessee so much of the value of the improvements as the Minister thinks fit, being an amount not exceeding the amount received by the Minister from the sale of the improvements; or
- (b) refuse to make any payment in respect of the improvements.

Forfeiture or cancellation of lease for non-payment of rent or breach of conditions

51. The Minister may cancel a lease, granted under section 48, of reserved land that is Crown land if –

- (a) any rent due under the lease is not paid for a period exceeding one month after it has become due and remains unpaid at the end of the period specified in a notice served on the lessee by the Minister –
 - (i) requesting the lessee to pay the rent within the period so specified; and
 - (ii) advising the lessee that the lease will be cancelled if the rent and any interest on the rent at the prescribed rate is not paid within the period so specified; or
- (b) the Minister considers that the lessee has committed a breach of any condition of the

lease and, on notice served on the lessee by the Minister specifying the breach and requiring the lessee to satisfy the Minister within a period specified in the notice that the lessee has not committed the breach, the lessee fails so to do.

Cancellation of lease where land required for public or other purposes

52. (1) If, in the opinion of the Minister, reserved land that is Crown land subject to a lease under section 48 –

- (a) is required for a public purpose; or
- (b) is required for the purpose of any other Act; or
- (c) should be made available for a purpose which the Minister considers desirable in the public interest –

the Minister, after giving the lessee the notice referred to in subsection (2) and by notice in the *Gazette*, may cancel the lease in respect of that land.

(2) At least 3 months before cancelling a lease under subsection (1), the Minister is to give the lessee written notice specifying –

- (a) the land or portion of the land which is required or should be made available; and
- (b) the purpose or purposes for which the land is required or should be made available.

(3) If a lease is cancelled as to a portion of the land comprised in the lease –

- (a) the lease has effect in respect of the land remaining under the lease; and

- (b) the Director is to determine the rent payable under the lease in respect of that land.

(4) On the determination under subsection (3)(b) of the rent to be payable, that rent becomes payable under the lease.

(5) In determining the rent payable under subsection (3)(b), the Director is to make due allowance for any diminution in the relative value of the land –

- (a) by reason of the reduction in the area of land held under the lease; and
- (b) by reason of such other matters as the Director thinks fit.

(6) A notice under subsection (2) is not a statutory rule within the meaning of the *Rules Publication Act 1953*.

Compensation for improvements where lease cancelled for public or other purpose

53. (1) If a lease under section 48 is cancelled as provided by section 52, the Minister must pay to the lessee compensation for improvements effected by the lessee for the purposes for which the lease was granted, including any improvements paid for by the lessee and taken over from the previous lessee, but no compensation is payable in respect of any improvements effected after the giving of a notice under section 52(2).

(2) The compensation payable is to be determined by valuation.

(3) The Minister is to cause notice of the amount of compensation payable to a lessee to be served on the lessee.

(4) A lessee who is aggrieved by the amount of compensation payable to the lessee may apply to the Magistrates Court (Administrative Appeals Division) for a review of the determination of the amount of compensation.

Compensation payable on non-renewal of certain leases

54. (1) If, on the expiration by effluxion of time of a lease of reserved land that is Crown land granted under section 48 for agricultural or grazing purposes, the Minister decides not to renew the lease, the Minister must pay to the lessee compensation for the improvements effected by the lessee for the purposes for which the lease was granted, including any improvements paid for by the lessee and taken over from the previous lessee.

(2) Compensation is not payable in respect of any improvements unless the improvements were approved by the Minister before being carried out.

(3) The compensation payable is the amount –

- (a) determined by the Director, on the recommendation of the Valuer-General, to be the fair and reasonable value of the improvements; and
- (b) approved by the Minister.

Improvements on land held under licence

55. (1) Compensation is not payable in respect of improvements carried out on land held or occupied under a licence granted under section 48 unless the Minister directs that the land or an improvement on the land is

required for a public purpose, in which case the Minister must pay compensation for the improvement in accordance with this section.

(2) Any compensation payable in respect of an improvement is the amount –

- (a) determined by the Director, on the recommendation of the Valuer-General, to be the fair and reasonable value of the improvement; and
- (b) approved by the Minister.

(3) If a person who has been offered an amount of compensation assessed in accordance with subsection (2) –

- (a) does not accept the offer within 30 days of receiving it; or
- (b) informs the Minister that the amount offered does not represent the fair and reasonable value of the improvement –

the matter is to be taken to be a disputed claim for compensation within the meaning of the *Land Acquisition Act 1993* and compensation is to be determined in accordance with that Act as if the improvement were an estate or interest compulsorily acquired under that Act, except that in determining the amount of compensation under that Act regard may only be had to the fair and reasonable value of the improvement.

(4) If the Minister does not make a direction under subsection (1), any improvement on the land may be removed.

Community service contributions payable by holders of private rights within reserved lands

56. (1) In this section, “**community service**” includes the supply or provision of access roads, parking areas, sewerage and garbage disposal services, water, electricity, piers, jetties and boat ramps.

(2) The Director –

(a) from time to time is to determine the contribution to be paid by the holder of a private right within reserved land towards the cost incurred by the managing authority for the land in providing any community service from which the holder of that right benefits; and

(b) on making such a determination, is to cause notice of the amount of the contribution payable by the holder of the private right to be served on him or her personally or by registered post addressed to him or her at his or her usual or last-known place of abode or business.

(3) The amount of a contribution to be paid by the holder of a private right –

(a) is payable on the expiration of 3 months from the date of the service of the notice on him or her under subsection (2)(b); and

(b) is recoverable by the managing authority for the relevant reserved land in a court of competent jurisdiction.

Fencing of reserved Crown land

57. (1) If between any reserved lands (being Crown land or land in a leased reserve) and adjoining lands there is no sufficient fence or no rabbit-proof fence, the Director, with the approval of the Minister –

- (a) may cause –
 - (i) a sufficient fence or a rabbit-proof fence to be erected between those lands; or
 - (ii) any fence between those lands to be converted into a rabbit-proof fence; and
- (b) subject to this section, may recover from the owner of those adjoining lands half the cost reasonably incurred in erecting that fence, or converting the existing fence, as a debt due to the Crown.

(2) The Director is not entitled, under subsection (1), to recover from the owner of any lands referred to in that subsection any part of the costs incurred in the erection or conversion of any fence between reserved lands and those lands unless the erection or conversion is carried out in a manner specified in a notice served by the Director on the owner of those lands at least 30 days before the commencement of the erection or conversion of the fence or in such other manner as may be agreed between the Director and the owner of those lands.

(3) Part IV of the *Boundary Fences Act 1908* applies to any dispute arising under this section as it applies to disputes arising under that Act and, for the purposes of the provisions of that Act as so applied, the Director is to be treated as the owner of the reserved lands to which this section applies.

(4) Section 47 of the *Boundary Fences Act 1908* applies to the service of notices under this section as it applies to the service of notices under that Act.

(5) Words and expressions used in this section have the same meaning as they have for the purposes of the *Boundary Fences Act 1908*.

Saving for leased reserves and trust land

58. Nothing in this Part authorises –

- (a) the disposition of, or any other dealing with, a leased reserve contrary to the terms of the lease under which it is held; or
- (b) the disposition of, or any other dealing with, any trust land in breach of the trust relating to that land.

Notable buildings and places

59. (1) The Director, with the consent of the owner of any land affected, may –

- (a) on any building, structure or tree, place and maintain plaques, plates, boards or other notices indicating any matter of historical, archaeological, architectural or scientific interest relating to the building, structure or tree; and
- (b) erect and maintain cairns or other monuments to mark sites of historical or archaeological interest; and

- (c) restore, repair, preserve or maintain any grave, monument or tree of historical or archaeological interest; and
- (d) erect and maintain guideposts to any place, building, structure, tree or object of historical, archaeological, architectural, scientific or scenic interest.

(2) In exercising the powers conferred by subsection (1)(d), the Director is to consult with the chief executive officer of Tourism Tasmania.

(3) Except with the consent of the Director, a person must not remove, destroy, damage or disfigure anything placed, erected, restored, repaired or maintained under this section.

Penalty: Fine not exceeding 10 penalty units or imprisonment for a term not exceeding 6 months, or both such fine and imprisonment.

Regulations for reserved land

60. (1) Without limiting the matters in respect of which the regulations may be made, the regulations may make provision with respect to the care, control and management of any area of reserved land, including but not limited to –

- (a) the preservation or protection of the fauna or flora of, or of any living things kept in, the area of reserved land; and
- (b) any conservation purpose or any management objective specified in Schedule 1; and

- (c) the prevention of damage or injury to the area of reserved land or to the property or other things in that area; and
- (d) the preservation or protection of the area of reserved land or the property or other things in that area; and
- (e) the prohibition or control of the removal of any property or other things from the area of reserved land; and
- (f) the prohibition or control of the bringing into, or over, or the use or possession in or over, the area of land of any conveyance or thing; and
- (g) the taking in the area of reserved land of wildlife in the form of game, if it is a game reserve, conservation area or regional reserve; and
- (h) the seizure, destruction or killing of creatures found in the area of reserved land; and
- (i) the conduct of persons in the area of reserved land; and
- (j) the exclusion or ejection of persons from the area, or any part of the area, of reserved land; and
- (k) the making and collection of charges for admission to, or the use of a public highway in, the area, or any part of the area, of reserved land.

(2) Regulations may not be made prohibiting any person from entering, or remaining in, any area of reserved land (other than a restricted area) unless –

- (a) that prohibition is imposed on account of his or her conduct or condition; or
- (b) that prohibition is a prohibition on his or her entering, or remaining in, that area otherwise than in the company of a ranger or other prescribed person; or
- (c) that prohibition is necessary for the proper care, control or management of that area.

(3) Regulations made for the purposes specified in subsection (1) may apply to –

- (a) specified reserved land; or
- (b) a specified part of any reserved land; or
- (c) a specified group of reserved lands; or
- (d) a specified class of reserved land.

(4) Regulations made for the purposes specified in subsection (1) may –

- (a) confer powers and discretions on the Director, a ranger and any other prescribed person in relation to the matters referred to in that subsection; and
- (b) provide that a contravention of such a regulation is an offence; and
- (c) in respect of such an offence, provide for the imposition of a fine not exceeding 50 penalty units.

(5) A regulation made for the purposes of subsection (1)(h) may not be made authorising the destruction or killing of a creature unless –

- (a) that creature is not under the proper and efficient control of some person; or
- (b) its presence on the area of reserved land on which it is found is, in the opinion of the person authorised to seize it, causing or likely to cause injury or damage to, or likely to disturb –
 - (i) the fauna or flora of any reserved land; or
 - (ii) any living things kept on any reserved land.

(6) Subject to section 27(1)(c), regulations made for the purposes specified in subsection (1) do not prohibit the doing of anything in a private sanctuary or private nature reserve by the owner or occupier of that sanctuary or reserve, or of any person acting on the owner's authority, that the owner or person would have been entitled to do if those regulations had not been made.

(7) Nothing in this section prejudices or affects the exercise of any authority given by a permit granted under the *Nature Conservation Act 2002*.

(8) No action lies in respect of the failure of any person to exercise a power conferred on him or her by regulations made for the purposes specified in subsection (1) to exclude or eject any other person from any land.

**PART 4 – PROVISIONS RELATING TO
ENFORCEMENT****Interpretation of “found offending”**

61. Section 55(5) of the *Police Offences Act 1935* applies in respect of this Part as it applies in respect of that section as if the reference in that subsection to that Act were a reference to this Act.

Power to require offenders to disclose identity and leave land

62. (1) If an authorised officer has reasonable grounds for believing that a person has committed, or is committing, an offence against this Act, he or she may require that person to state his or her name and residential address.

(2) If a person is found offending within any reserved land against any provision of this Act, an authorised officer may require the person to leave the reserved land.

(3) The owner or occupier, or an employee or agent of an owner or occupier, of any private sanctuary or private nature reserve may require any person trespassing on that sanctuary or reserve who he or she has reasonable grounds for believing has committed, or is committing, an offence against this Act –

- (a) to state his or her name and residential address; and
- (b) to leave that sanctuary or reserve.

(4) A person who, when required under this section to state his or her name and residential address, fails or

refuses to do so or gives a name or residential address that is false is guilty of an offence.

(5) A person who, when required under this section to leave any land, refuses to do so, or does not do so with reasonable expedition, is guilty of an offence.

Production of licences, &c.

63. An authorised officer may require any person to produce any licence, permit or other document issued to the person under this Act or the *Nature Conservation Act 2002* and any person who fails or refuses to comply with such a requirement is guilty of an offence.

Powers and functions of seizure

64. (1) If an authorised officer has reasonable grounds for believing that an offence has been committed under this Act with respect to any wildlife, the products of any wildlife or any plant, the authorised officer may seize that wildlife and any products of that wildlife, those products or that plant.

(2) An authorised officer is to seize any hunting equipment that the officer has reasonable grounds for believing has been or is being used in, or in connection with, the commission of an offence under this Act.

(3) An authorised officer may seize any thing that the officer has reasonable grounds for believing has been taken by, or is in the possession of, a person contrary to the provisions of this Act.

(4) An authorised officer may seize a licence, permit or other document issued under this Act if the officer has reasonable grounds for believing that the holder of the

licence, permit or other document has committed an offence under this Act.

(5) An authorised officer may seize any record or document that appears to indicate that an offence under this Act has been, or is being, committed.

(6) An authorised officer may seize any living thing that he or she has reasonable grounds for believing has been used for the purpose of taking wildlife contrary to the provisions of this Act.

(7) If any hunting equipment, licence, permit, record or other document or any other animate or inanimate thing is seized under this Act, the person by whom it was seized may, subject to the directions of the Director or a person authorised by the Director, retain it until the determination of any proceedings that may be instituted in respect of an offence against this Act against the person from whom it was seized.

(8) If any hunting equipment, licence, permit, record or other document or any other animate or inanimate thing has been seized from any person under this Act and no proceedings have been instituted against that person for an offence on conviction for which it may be forfeited to the Crown, a court of petty sessions, on the application of that person, may direct it to be returned to that person and, on the making of that direction, the authority under subsection (7) to retain it ceases.

(9) A person who, when required to do so by an authorised officer, refuses to deliver to that officer any hunting equipment, licence, permit, record or other document or any other animate or inanimate thing the officer is entitled to seize under this Act is guilty of an offence.

Powers of entry and search

65. (1) If an authorised officer has reason to believe that any thing which he or she is entitled to seize under this Act is in or on any premises, conveyance or container, the officer may search those premises, that conveyance or that container.

(2) For the purposes of conducting a search under this section in a conveyance, an authorised officer may require that conveyance to be stopped and, if it is on reserved land or on any water, the authorised officer may bring it, or cause or require it to be brought, to some convenient place for the search to be carried out.

(3) In exercising the powers conferred, or in performing the functions imposed, by section 64 or this section, an authorised officer may do any or all of the following things at all reasonable times, without warrant:

- (a) enter any premises, conveyance or container;
- (b) in or on any premises, conveyance or container lawfully entered, search for, examine, make copies of or take extracts from any record or other document –
 - (i) relating to wildlife; or
 - (ii) that appears to indicate that an offence under this Act has been, or is being, committed;
- (c) in or on any premises, conveyance or container lawfully entered, open any container.

(4) For the purpose of facilitating the exercise of his or her powers under this section in respect of any premises, conveyance or container, an authorised officer may require the person apparently in charge of those premises, that conveyance or that container, or any of the

person's employees or agents, to afford the authorised officer such assistance as he or she may require.

(5) A person who, without reasonable excuse (the proof of which lies on that person) refuses or fails to comply with any requirements made to him or her by an authorised officer under this section is guilty of an offence.

(6) In exercising the powers conferred, or in performing the functions imposed, by section 64 or this section, an authorised officer must not enter any premises, or any part of premises, used as a principal residence except where the officer has obtained a warrant under subsection (7) or the permission of the occupier to enter the residence.

(7) If a magistrate or justice is satisfied, on the application of an authorised officer, that there is reasonable cause to permit entry to any premises, or any part of any premises, used as a principal residence, the magistrate or justice may issue a warrant authorising an authorised officer to enter the premises or the part of premises specified in the warrant for the purposes of exercising the powers conferred, and the functions imposed, by section 64 or this section in those premises or that part.

(8) A warrant issued under subsection (7) –

- (a) is valid for a period of 30 days; and
- (b) authorises all persons acting in aid of an authorised officer to enter the premises, or the part of premises, specified in the warrant.

Powers of arrest

66. An authorised officer may arrest, without warrant, any person found offending who –

- (a) fails or refuses, on demand, to give his or her full name and residential address; or
- (b) gives any name or residential address that the officer has reasonable grounds for believing is false; or
- (c) does not deliver up to that officer, on demand, any thing in his or her possession, or under his or her control, that the officer is entitled to seize under this Act.

Commencing proceedings

67. Despite section 26 of the *Justices Act 1959*, proceedings for a summary offence against this Act may be commenced within 5 years after the act or omission giving rise to the proceedings occurred.

Penalty

68. Except where otherwise provided, a person who is guilty of an offence against this Part is liable to a fine not exceeding 10 penalty units or imprisonment for a term not exceeding 6 months, or both.

Production and cancellation of licences, &c., in offence proceedings

69. (1) The holder of a licence or other document issued under this Act who is charged with an offence under this Act must produce the licence or other document to the court which is hearing the charge except where the holder has a reasonable excuse for not doing so.

Penalty: Fine not exceeding 2 penalty units.

(2) If a person fails to comply with subsection (1) in respect of any charge, the court before which he or she is charged may immediately, and on its own knowledge of the offence, convict him or her of the offence and impose a penalty on that conviction.

(3) If a person is convicted of an offence under this Act, the court may make an order doing any one or more of the following in addition to, or instead of, imposing any other penalty:

- (a) cancelling any licence or other document issued to the person under this Act;
- (b) prohibiting the person from applying for, or being granted or issued, a licence or other document under this Act for the period specified in the order;
- (c) prohibiting the person from being in possession or control of any hunting equipment for the period specified in the order.

(4) The cancellation of a licence or other document under subsection (3) takes effect on the day on which the order is made.

(5) If a licence or other document is ordered to be cancelled under subsection (3), the clerk of the court is to, if that licence or other document is available to the clerk –

- (a) endorse on that licence or other document a statement that the licence or other document has been cancelled; and
- (b) cause that licence or other document to be delivered to the Director.

Cancellation of firearms licence

70. (1) In this section, “**firearms licence**” has the same meaning as in the *Firearms Act 1996*.

(2) If a person is convicted of an offence against this Act and the behaviour constituting the offence involved the use of a firearm, the court may, in addition to imposing any other penalty, make an order doing any one or more of the following:

- (a) cancelling or suspending a firearms licence held by that person;
- (b) prohibiting the person from applying for, or being granted or issued, a firearms licence during the period specified in the order.

(3) The clerk of the court which made an order under subsection (2) must provide the Commissioner of Police with a copy of the order.

(4) On receipt of a copy of an order provided under subsection (3), the Commissioner of Police must, by notice in writing served on the person to whom the order relates, notify that person of the terms of the order and require that person to surrender to the Commissioner of Police any firearms licence and any firearm held by that person.

(5) The cancellation or suspension of a firearms licence under this section takes effect when the notice referred to in subsection (4) is served on the holder of the licence.

(6) A notice referred to in subsection (4) is effectively served on a person if it is –

- (a) given to the person; or
- (b) left at, or sent by post to, the person’s postal or residential address or the place or address of

business or employment last known to the server of the notice.

Contravention of order under section 69(3)(c)

71. (1) A person who contravenes or fails to comply with an order made under section 69(3)(c) is guilty of an offence.

(2) If an authorised officer has reasonable grounds for believing that a person has committed an offence under subsection (1), the authorised officer may, without warrant –

- (a) arrest that person; and
- (b) for the purpose of arresting that person –
 - (i) enter, by force if necessary, any premises on which the authorised officer has reasonable grounds for believing that person is present; and
 - (ii) search those premises.

Forfeiture of articles, &c., on conviction

72. (1) Any wildlife, products of wildlife or plants taken, had in possession or disposed of in contravention of this Act are forfeited to the Crown, and the conviction of any person for any such contravention has effect as a condemnation of that wildlife, those products or those plants without the necessity of a complaint being laid for that condemnation.

(2) On the conviction of a person of an offence under this Act, hunting equipment is forfeited to the Crown –

- (a) if it was used in, or in connection with, the commission of that offence; or
- (b) if the offence was committed in relation to it.

(3) On convicting a person of an offence under this Act, the court may order hunting equipment referred to in subsection (2) to be returned to another person if the court is satisfied that –

- (a) the other person owns or has an interest in the equipment; and
- (b) the equipment was used in or in connection with the commission of the offence, or the offence was committed in relation to the equipment, without the consent of the other person; and
- (c) it would be unjust to the other person for the equipment to be forfeited to the Crown.

(4) On conviction for an offence under this Act, the court may declare forfeited to the Crown anything seized under section 64(3).

(5) Any wildlife, products of wildlife, plants, hunting equipment or other things forfeited under this section are to be disposed of in the prescribed manner or, if no manner is prescribed, as the Director determines.

Compensation on conviction for offences

73. (1) In this section, “**appropriate authority**” means –

- (a) in the case of an offence under section 59, the Director; or
- (b) in the case of any other offence that is committed on reserved land, the managing

authority for the land or, if there is no managing authority, the owner of the land; or

- (c) in any other case, the owner (if any) of the property or creature in respect of which the sum was ordered to be paid.

(2) If a person is convicted of an offence under this Act and, in or as a result of the commission of that offence, damage or injury was caused to any property or any wildlife was taken, the court by which the person is convicted may, in addition to, or instead of, imposing any penalty or making any other order on that conviction, order that person to pay to the appropriate authority such sum as it thinks reasonable by way of compensation for the damage or injury or the taking of the wildlife.

Protection of authorised officers

74. (1) This section applies to authorised officers and persons prescribed under section 60(4).

(2) 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 or she is acting in good faith in the administration of this Act.

**PART 5 – INFRINGEMENT NOTICES AND VEHICLE
INFRINGEMENT NOTICES****Interpretation**

75. (1) In this Part –

“approved” means approved by the Director;

“infringement notice” means an infringement notice served under section 76(1);

“registered operator” of a motor vehicle or a trailer means –

- (a) the registered operator for the purposes of the *Vehicle and Traffic Act 1999* or the corresponding law of another State or a Territory; and
- (b) in the case of a vehicle to which a trade plate or similar device is affixed under the *Vehicle and Traffic Act 1999* or a corresponding law of another State or a Territory, the person to whom the trade plate or similar device was issued; and
- (c) in the case of a vehicle for which a short term unregistered vehicle permit under the *Vehicle and Traffic Act 1999* or a similar authorisation under the corresponding law of another State or a Territory has been issued, the person to whom the permit or authorisation was issued;

“specified penalty” means the penalty specified in an infringement notice;

“vehicle infringement notice” means a vehicle infringement notice served under section 76(2);

“withdrawal notice” means a withdrawal notice served under section 77(2).

(2) A reference in this Part to the withdrawal of an infringement notice or a vehicle infringement notice is a reference to the withdrawal of the notice under section 77.

Service and acceptance of infringement notices and vehicle infringement notices

76. (1) An authorised officer may serve an infringement notice on a person if of the opinion that the person has committed a prescribed offence.

(2) An authorised officer may serve a vehicle infringement notice on the registered operator of a vehicle if of the opinion that the vehicle has been used in relation to a prescribed offence.

(3) An infringement notice or a vehicle infringement notice is to –

- (a) be in an approved form; and
- (b) specify –
 - (i) the offence to which it relates; and
 - (ii) the penalty for that offence; and
 - (iii) that payment of the penalty is to be to a court of petty sessions; and
 - (iv) any other prescribed details.

(4) An infringement notice or a vehicle infringement notice is to state that the person on whom it is served may disregard the notice but that on doing so he or she may be prosecuted for the offence to which the notice relates.

(5) Subject to subsection (6), a person may accept an infringement notice or a vehicle infringement notice, unless it has been withdrawn, by –

- (a) paying within 21 days of being served with the notice the specified penalty to a clerk of petty sessions; or
- (b) lodging with a clerk of petty sessions within 21 days of being served with the notice a written undertaking to pay the specified penalty by any instalments or within any time that clerk may direct.

(6) If an infringement notice or a vehicle infringement notice served on a person has not been accepted by the person in either of the ways prescribed in subsection (5) at the expiry of the appropriate period prescribed in that subsection, the clerk of petty sessions, by written notification to that person, may allow that person an additional period of 14 days commencing on the expiry of the first-mentioned period in which to accept the infringement notice or vehicle infringement notice.

(7) A clerk of petty sessions may, at any time before a complaint and summons is issued for the relevant offence, accept payment of the prescribed penalty or a written undertaking to pay the penalty either wholly or by instalments within such time as the clerk may direct.

(8) If an infringement notice or a vehicle infringement notice in respect of a prescribed offence has been served on a person, proceedings are not to be brought against that person for that offence if the notice has been accepted and has not been withdrawn.

(9) Whether or not an infringement notice or a vehicle infringement notice is accepted, proceedings are not to be brought within the period of –

- (a) 28 days following the service of the notice, if the person has not been allowed an additional period under subsection (6); or
- (b) 42 days following the service of the notice, if the person has been allowed such an additional period –

unless the notice has been withdrawn.

(10) If an infringement notice in respect of an offence has been accepted by a person and has not been withdrawn, that acceptance, in relation to proceedings for any other offence, is to be treated as a conviction for the offence in respect of which the notice was served unless the court before which those proceedings are taken is satisfied that it is unjust that it should be so treated.

(11) Acceptance of an infringement notice or a vehicle infringement notice is not to be regarded as an admission of liability for the purpose of, nor in any way affect or prejudice, any civil claim, action or proceeding.

Withdrawal of infringement notices and vehicle infringement notices

77. (1) An infringement notice or vehicle infringement notice that has been served on any person may, whether or not it has been accepted, be withdrawn as provided in subsection (2) at any time within the period of –

- (a) 28 days following the service of the notice, if the person has not been allowed an additional period under section 76(6); or

- (b) 42 days following the service of the notice, if the person has been allowed such an additional period.

(2) For the purposes of subsection (1), an infringement notice or a vehicle infringement notice served on a person is withdrawn by the service on that person of a withdrawal notice signed by an authorised officer stating that the infringement notice or vehicle infringement notice has been withdrawn.

(3) If an infringement notice or a vehicle infringement notice has been withdrawn under this section and any sums have been paid to a clerk of petty sessions by way of penalty in pursuance of that notice, that clerk is to repay the sums so paid to the person on whom the notice was served.

(4) If an infringement notice or a vehicle infringement notice has been served in respect of an offence and has been withdrawn, evidence of the service, acceptance or withdrawal of the notice is not admissible in any proceedings for that offence.

Effect of undertaking to pay prescribed penalty

78. (1) If an undertaking referred to in section 76(5)(b) is lodged with a clerk of petty sessions, the clerk is to give directions to the person by whom the undertaking is given requiring the person to pay the penalty to which the undertaking relates in such instalments or within such time as may be specified in the directions.

(2) Before giving a direction under subsection (1) with respect to any person, the clerk is to consider any representations made to the clerk by or on behalf of that person, whether at the time the undertaking is lodged or otherwise, with respect to the person's financial circumstances.

(3) In giving directions under subsection (1), the clerk is to give such directions as, having regard to any representations referred to in subsection (2) made to the clerk and all the circumstances of the case, the clerk considers just and reasonable.

(4) If a person fails to comply with any direction given under subsection (1), the like proceedings may be had in respect of so much of the penalty to which the directions relate as remains unpaid as if the penalty were a penalty imposed on the person on summary conviction for an offence.

Service of notices

79. (1) An infringement notice is to be served on a person by an authorised officer delivering it to the person.

(2) A vehicle infringement notice may be served by affixing it to the vehicle in respect of which the offence occurred.

(3) A person must not remove a vehicle infringement notice affixed to a vehicle so that the contents of the notice do not become known to the person in charge of the vehicle.

Penalty: Fine not exceeding one penalty unit.

(4) A withdrawal notice is to be served on a person by delivering it to the person or by post.

(5) A notification under section 76(6) by a clerk of petty sessions is to be served on a person by sending it by post addressed to the person at the place shown as his or her address in the relevant infringement notice or vehicle infringement notice.

Penalty to be paid into Consolidated Fund

80. Any sum paid to a clerk of petty sessions under this Part by way of penalty is to be paid into the Consolidated Fund.

Proceedings in relation to motor vehicle offences

81. (1) Unless the registered operator of a motor vehicle used in relation to a prescribed offence establishes a defence under this section, the registered operator is guilty of the offence whether or not the registered operator was driving, or in charge of, the motor vehicle at the time of the offence.

(2) It is a defence to proceedings in relation to a prescribed offence for the defendant to establish that he or she was not driving, or in charge of, the motor vehicle at the time of the occurrence of the offence.

(3) A person is not entitled to rely on a defence under subsection (2) unless, within 21 days of being served with a complaint and summons relating to the offence, the person gives to the clerk of the court specified in the summons –

- (a) written notice of the intention to rely on that defence; and
- (b) a statutory declaration stating that at the time of the occurrence of the offence –
 - (i) the motor vehicle was being driven without the person's knowledge or consent; or
 - (ii) the motor vehicle was in the charge of another person and stating the name of that other person; or

- (iii) the first-mentioned person had no right or interest in the motor vehicle.

(4) Proceedings must not be heard in relation to a prescribed offence unless the defendant referred to in the complaint and summons was, at the time of being served with the complaint and summons, notified in writing of the provisions of this section.

(5) A complaint and summons to which this section relates is to contain an address at which a notice under subsection (3) may be lodged.

(6) A statutory declaration under subsection (3)(b) naming a person as being in charge of the motor vehicle is evidence in any proceedings for a prescribed offence that that person was at all relevant times relating to that offence in charge of the motor vehicle.

(7) Subsections (1), (2), (3), (4), (5) and (6) do not apply if a vehicle infringement notice is served by handing the notice to a person observed to be driving, or in charge of, the motor vehicle at the time of, or immediately following, the alleged commission of the offence.

(8) If a penalty has been imposed on, or recovered from, any person in relation to a prescribed offence, a further penalty must not be imposed on, or recovered from, any other person in relation to the offence.

More than one registered operator

82. (1) If there are 2 registered operators of a motor vehicle, proceedings for a prescribed offence may be brought against one of those registered operators or against both of them jointly.

(2) If there are 2 registered operators of a motor vehicle, a court may find the defendant or each of the defendants guilty of an offence if satisfied that –

- (a) an offence has been committed; and
- (b) a defence is not established under section 81(2).

(3) If a fine is imposed on 2 registered operators of a motor vehicle who have been found guilty of a prescribed offence, the total of any fines imposed in respect of that offence is not to exceed the maximum fine that could have been imposed if only one of them had been found guilty of that offence.

Regulations for this Part

83. Without limiting the matters in respect of which the regulations may be made, the regulations may make provision for the purposes of this Part, including but not limited to, the following matters:

- (a) providing that a contravention of any of the regulations is a prescribed offence for the purposes of this Part;
- (b) providing, in respect of such an offence, for the imposition of a fine not exceeding 10 penalty units and, in the case of a continuing offence, a further fine not exceeding 5 penalty units for each day during which the offence continues.

PART 6 – MISCELLANEOUS**Capacity, &c., to consent**

84. (1) A body corporate may give any consent for the purposes of this Act, notwithstanding that, apart from this subsection, it would have no power or capacity to give that consent.

(2) Nothing in this Act entitles the owner of any land to give any consent for the doing of anything in relation to that land in derogation of the estate of any other person in occupation of that land without the consent of that other person.

Assistance to officers

85. (1) In this section, “**officer**” means the Director, a person employed in the Department or a ranger.

(2) If a person has been requested to assist an officer carrying out his or her functions under this Act and is willing to do so, another person must not, either directly or indirectly, prevent, dissuade, hinder, impede or obstruct that person from assisting that officer or from proceeding to a place for the purpose of assisting that officer.

Compensation for injury or death occurring in the course of official duty, &c.

86. (1) In this section –

“**dependants**” has the same meaning as in the *Workers Rehabilitation and Compensation Act 1988*;

“officer” means the Director, a person employed in the Department or a ranger.

(2) If –

- (a) a ranger is killed or suffers personal injury in the course of carrying out official functions or dies as a result of personal injury so suffered; or
- (b) a person (not being an officer) is killed or suffers personal injury in the course of assisting an officer carrying out official functions under the supervision of that officer, or dies as a result of personal injury so suffered –

and that ranger or other person is not, or as the case may be, his or her dependants are not, entitled to compensation under the *Workers Rehabilitation and Compensation Act 1988* in respect of the injury or death, that ranger or other person is, or in the case of his or her death, his or her dependants are, entitled to compensation as provided in this section.

(3) A ranger or other person is taken to be carrying out official functions –

- (a) when he or she is carrying out any functions or exercising any powers conferred on him or her by this Act; or
- (b) while he or she is travelling in either direction between his or her place of residence or place of employment and the place at which those functions are being, are to be or have been carried out.

(4) A person is taken to be assisting an officer carrying out official functions while he or she is travelling in either direction between his or her place of residence or

place of employment and the place at which those functions are being, are to be or have been carried out.

(5) Subject to subsection (6), the compensation payable to a ranger or other person under this section is to be such amount as the Governor, on the recommendation of the Director, determines.

(6) Compensation under this section is to be calculated in accordance with the *Workers Rehabilitation and Compensation Act 1988*.

(7) If so required by the Director, a ranger or other person by whom, or on whose behalf, compensation under this section is claimed is to submit to the Director such evidence in support of his or her claim, and such medical certificates, as the Director requires, and such other information, if any, as may be prescribed.

(8) The compensation payable to a ranger or other person under this section is to be defrayed out of moneys to be provided by Parliament for the purpose.

Gifts for conservation purposes

87. (1) If any money or other property is given, devised or bequeathed for any conservation purpose under this Act, that money, or the proceeds of the realisation of that property, may be paid into a special deposit account or trust account established under Part III of the *Public Account Act 1986*, and the moneys for the time being standing to the credit of that account may not be applied otherwise than for that purpose.

(2) Any interest arising from the investment of moneys paid into an account established pursuant to this section is to be paid into that account.

(3) Nothing in this section prejudices or affects the operation of any trust to which any money or other property is subject.

Expenses of Act

88. (1) In this section, “**special local account**” means an account established under subsection (3).

(2) Except as otherwise expressly provided by this Act, all moneys received by, or on behalf of, the Minister, the Minister for Crown Lands or the Director under this Act are to be paid into the Consolidated Fund, and the expenses incurred in the administration of this Act are to be defrayed out of moneys provided by Parliament for the purpose.

(3) In accordance with Part III of the *Public Account Act 1986*, special deposit accounts and trust accounts may be established with respect to specified reserved lands of which the Director is the managing authority pursuant to section 29(1).

(4) Except as the Treasurer otherwise directs, there is to be paid into a special local account established in respect of any reserved lands –

- (a) all moneys received by, or on behalf of, the Director in the exercise of his or her functions as managing authority for those lands; and
- (b) all moneys received by way of rent, or otherwise, in respect of leases or licences granted under section 48 in respect of those lands.

(5) Except as the Treasurer otherwise directs, the moneys for the time being standing to the credit of a special local account established in respect of any reserved

lands are to be applied, as the Director determines, in meeting expenses incurred in the exercise of his or her functions as managing authority for those lands.

Delegation by Director

89. (1) The Director may delegate any of his or her functions or powers under this Act, other than this power of delegation, to a State Service officer or State Service employee.

(2) Despite subsection (1), the Director may not delegate any of his or her functions or powers under this Act to a State Service officer or State Service employee employed in a State Service Agency other than the Department unless the Head of that Agency has consented to that delegation.

Delegation by Minister

90. Subject to section 47 and section 48(8), the Minister may delegate to any person any of his or her functions or powers under this Act other than this power of delegation.

Regulations

91. (1) The Governor may make regulations for the purposes of this Act.

(2) Nothing in the regulations prohibits the doing of anything required to be done for the purposes of complying with any other Act.

(3) Without limiting the generality of subsection (1), the regulations may make provision for or with respect to –

- (a) the payment and collection of fees by any person in relation to any act, matter or thing done or arising under this Act; and
- (b) the remission of, or exemption from liability for, any such fees.

(4) The regulations may –

- (a) be of general or specially limited application; and
- (b) apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the regulations; and
- (c) authorise any matter to be from time to time determined, applied or regulated by the Minister, the Director or another person performing functions under this Act as specified in the regulations.

(5) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act.

(6) A provision referred to in subsection (5) may take effect on and from the day on which this Act commences or a later day.

(7) The regulations may rescind regulations or other subordinate legislation made under the *National Parks and Wildlife Act 1970*.

Savings and transitional provisions

92. The savings and transitional provisions set out in Schedule 4 have effect.

Administration of Act

93. Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Minister for Tourism, Parks and Heritage; and
- (b) the department responsible to that Minister in relation to the administration of this Act is the Department of Tourism, Parks, Heritage and the Arts.

Acts repealed

94. The Acts specified in Schedule 5 are repealed.

**SCHEDULE 1 – OBJECTIVES FOR MANAGEMENT
OF RESERVED LAND**

Section 3(1)

	Column 1 Class of reserved land	Column 2 Management objectives
1.	National park	<p>The following objectives:</p> <ul style="list-style-type: none"> (a) to conserve natural biological diversity; (b) to conserve geological diversity; (c) to preserve the quality of water and protect catchments; (d) to conserve sites or areas of cultural significance; (e) to encourage education based on the purposes of reservation and the natural or cultural values of the national park, or both; (f) to encourage research, particularly that which furthers the purposes of reservation;

	Column 1 Class of reserved land	Column 2 Management objectives
		<p>(g) to protect the national park against, and rehabilitate the national park following, adverse impacts such as those of fire, introduced species, diseases and soil erosion on the national park's natural and cultural values and on assets within and adjacent to the national park;</p> <p>(h) to encourage and provide for tourism, recreational use and enjoyment consistent with the conservation of the national park's natural and cultural values;</p>

	Column 1 Class of reserved land	Column 2 Management objectives
2.	State reserve	<p>(i) to encourage cooperative management programs with Aboriginal people in areas of significance to them in a manner consistent with the purposes of reservation and the other management objectives;</p> <p>(j) to preserve the natural, primitive and remote character of wilderness areas.</p> <p>The following objectives:</p> <p>(a) to conserve natural biological diversity;</p> <p>(b) to conserve geological diversity;</p> <p>(c) to preserve the quality of water and protect catchments;</p> <p>(d) to conserve sites or areas of cultural significance;</p>

	Column 1 Class of reserved land	Column 2 Management objectives
		<p>(e) to encourage cooperative management programs with Aboriginal people in areas of significance to them in a manner consistent with the purposes of reservation and the other management objectives;</p> <p>(f) to encourage education based on the purposes of reservation and the natural or cultural values of the State reserve, or both;</p> <p>(g) to encourage research, particularly that which furthers the purposes of reservation;</p>

	Column 1 Class of reserved land	Column 2 Management objectives
3.	Nature reserve	<p>(h) to protect the State reserve against, and rehabilitate the State reserve following, adverse impacts such as those of fire, introduced species, diseases and soil erosion on the State reserve's natural and cultural values and on assets within and adjacent to the State reserve;</p> <p>(i) to encourage tourism, recreational use and enjoyment consistent with the conservation of the State reserve's natural and cultural values.</p> <p>The following objectives:</p> <p>(a) to conserve natural biological diversity;</p> <p>(b) to conserve geological diversity;</p>

	Column 1 Class of reserved land	Column 2 Management objectives
		<p>(c) to preserve the quality of water and protect catchments;</p> <p>(d) to conserve sites or areas of cultural significance;</p> <p>(e) to encourage education based on the purposes of reservation and the natural or cultural values of the nature reserve, or both;</p> <p>(f) to encourage research, particularly that which furthers the purposes of reservation;</p> <p>(g) to protect the nature reserve against, and rehabilitate the nature reserve following, adverse impacts such as those of fire, introduced species, diseases and soil erosion on the nature reserve's natural and cultural values and on assets within and adjacent to the nature reserve;</p>

	Column 1 Class of reserved land	Column 2 Management objectives
4.	Game reserve	<p>(h) to encourage cooperative management programs with Aboriginal people in areas of significance to them in a manner consistent with the purposes of reservation and the other management objectives.</p> <p>The following objectives:</p> <p>(a) to conserve natural biological diversity;</p> <p>(b) to conserve geological diversity;</p> <p>(c) to preserve the quality of water and protect catchments;</p> <p>(d) to conserve sites or areas of cultural significance;</p>

	Column 1 Class of reserved land	Column 2 Management objectives
		<p>(e) to provide for the taking, on an ecologically sustainable basis, of designated game species for commercial or private purposes, or both;</p> <p>(f) to encourage appropriate tourism, recreational use and enjoyment, particularly sustainable recreational hunting;</p> <p>(g) to encourage education based on the purposes of reservation and the natural or cultural values of the game reserve, or both;</p> <p>(h) to encourage research, particularly that which furthers the purposes of reservation;</p>

	Column 1 Class of reserved land	Column 2 Management objectives
5.	Conservation area	<p>The following objectives:</p> <ul style="list-style-type: none"> (i) to protect the game reserve against, and rehabilitate the game reserve following, adverse impacts such as those of fire, introduced species, diseases and soil erosion on the game reserve's natural and cultural values and on assets within and adjacent to the game reserve; (j) to encourage cooperative management programs with Aboriginal people in areas of significance to them in a manner consistent with the purposes of reservation and the other management objectives. (a) to conserve natural biological diversity;

	Column 1 Class of reserved land	Column 2 Management objectives
		<ul style="list-style-type: none"> <li data-bbox="758 584 1243 663">(b) to conserve geological diversity; <li data-bbox="758 696 1243 819">(c) to preserve the quality of water and protect catchments; <li data-bbox="758 853 1243 976">(d) to conserve sites or areas of cultural significance; <li data-bbox="758 1010 1243 1245">(e) to provide for the controlled use of natural resources, including as an adjunct to utilisation of marine resources; <li data-bbox="758 1279 1243 1447">(f) to provide for exploration activities and utilisation of mineral resources; <li data-bbox="758 1480 1243 1760">(g) to provide for the taking, on an ecologically sustainable basis, of designated game species for commercial or private purposes, or both;

Column 1 Class of reserved land	Column 2 Management objectives
	<p>(h) to provide for other commercial or industrial uses of coastal areas;</p> <p>(i) to encourage education based on the purposes of reservation and the natural or cultural values of the conservation area, or both;</p> <p>(j) to encourage research, particularly that which furthers the purposes of reservation;</p> <p>(k) to protect the conservation area against, and rehabilitate the conservation area following, adverse impacts such as those of fire, introduced species, diseases and soil erosion on the conservation area's natural and cultural values and on assets within and adjacent to the conservation area;</p>

	Column 1 Class of reserved land	Column 2 Management objectives
6.	Nature recreation area	<p>(l) to encourage appropriate tourism, recreational use and enjoyment (including private uses) consistent with the conservation of the conservation area's natural and cultural values;</p> <p>(m) to encourage cooperative management programs with Aboriginal people in areas of significance to them in a manner consistent with the purposes of reservation and the other management objectives.</p> <p>The following objectives:</p> <p>(a) to conserve natural biological diversity;</p> <p>(b) to conserve geological diversity;</p>

Column 1 Class of reserved land	Column 2 Management objectives
	<p>(c) to preserve the quality of water and protect catchments;</p> <p>(d) to conserve sites or areas of cultural significance;</p> <p>(e) to encourage tourism, recreational use and enjoyment consistent with the conservation of the nature recreation area's natural and cultural values;</p> <p>(f) to encourage education based on the purposes of reservation and the natural or cultural values of the nature recreation area, or both;</p> <p>(g) to encourage research, particularly that which furthers the purposes of reservation;</p>

	Column 1 Class of reserved land	Column 2 Management objectives
		<p>(h) to protect the nature recreation area against, and rehabilitate the nature recreation area following, adverse impacts such as those of fire, introduced species, diseases and soil erosion on the nature recreation area's natural and cultural values and on assets within and adjacent to the nature recreation area;</p> <p>(i) to encourage cooperative management programs with Aboriginal people in areas of significance to them in a manner consistent with the purposes of reservation and the other management objectives;</p> <p>(j) to provide for exploration activities and utilisation of mineral resources.</p>

	Column 1 Class of reserved land	Column 2 Management objectives
7.	Regional reserve	<p>The following objectives:</p> <ul style="list-style-type: none"> (a) to provide for mineral exploration activities and utilisation of mineral resources; (b) to provide for the controlled use of other natural resources; (c) to conserve natural biological diversity; (d) to conserve geological diversity; (e) to preserve the quality of water and protect catchments; (f) to conserve sites or areas of cultural significance; (g) to encourage education based on the purposes of reservation and the natural or cultural values of the regional reserve, or both;

	Column 1 Class of reserved land	Column 2 Management objectives
		<p>(h) to encourage research, particularly that which furthers the purposes of reservation;</p> <p>(i) to protect the regional reserve against, and rehabilitate the regional reserve following, adverse impacts such as those of fire, introduced species, diseases and soil erosion on the regional reserve's natural and cultural values and on assets within and adjacent to the regional reserve;</p> <p>(j) to encourage tourism, recreational use and enjoyment consistent with the conservation of the regional reserve's natural and cultural values;</p>

	Column 1 Class of reserved land	Column 2 Management objectives
8.	Historic site	<p>(k) to encourage cooperative management programs with Aboriginal people in areas of significance to them in a manner consistent with the purposes of reservation and the other management objectives;</p> <p>(l) to provide for the taking, on an ecologically sustainable basis and where appropriate, of designated game species for commercial or private purposes, or both.</p> <p>The following objectives:</p> <p>(a) to conserve sites or areas of historic cultural significance;</p> <p>(b) to conserve natural biological diversity;</p> <p>(c) to conserve geological diversity;</p>

	Column 1 Class of reserved land	Column 2 Management objectives
		<p>(d) to preserve the quality of water and protect catchments;</p> <p>(e) to encourage education based on the purposes of reservation and the natural or cultural values of the historic site, or both;</p> <p>(f) to encourage research, particularly that which furthers the purposes of reservation;</p> <p>(g) to protect the historic site against, and rehabilitate the historic site following, adverse impacts such as those of fire, introduced species, diseases and soil erosion on the historic site's natural and cultural values and on assets within and adjacent to the historic site;</p>

	Column 1 Class of reserved land	Column 2 Management objectives
9.	Private sanctuary	<p>(h) to encourage tourism, recreational use and enjoyment consistent with the conservation of the historic site's natural and cultural values;</p> <p>(i) to encourage cooperative management programs with Aboriginal people in areas of significance to them in a manner consistent with the purposes of reservation and the other management objectives.</p> <p>The following objectives:</p> <p>(a) to conserve natural biological diversity;</p> <p>(b) to conserve geological diversity;</p> <p>(c) to preserve the quality of water and protect catchments;</p>

	Column 1 Class of reserved land	Column 2 Management objectives
10.	Private nature reserve	<p>(d) to conserve sites or areas of cultural significance;</p> <p>(e) to encourage research, particularly that which furthers the purposes of reservation;</p> <p>(f) to protect the private sanctuary against, and rehabilitate the private sanctuary following, adverse impacts such as those of fire, introduced species, diseases and soil erosion on the private sanctuary's natural and cultural values and on assets within and adjacent to the private sanctuary.</p> <p>The following objectives:</p> <p>(a) to conserve natural biological diversity, particularly in relation to identified species, communities or habitats;</p>

	Column 1 Class of reserved land	Column 2 Management objectives
		<ul style="list-style-type: none"> <li data-bbox="758 584 1238 663">(b) to conserve geological diversity; <li data-bbox="758 696 1238 815">(c) to preserve the quality of water and protect catchments; <li data-bbox="758 853 1238 972">(d) to conserve sites or areas of cultural significance; <li data-bbox="758 1010 1238 1167">(e) to encourage research, particularly that which furthers the purposes of reservation; <li data-bbox="758 1205 1238 1816">(f) to protect the private nature reserve against, and rehabilitate the private nature reserve following, adverse impacts such as those of fire, introduced species, diseases and soil erosion on the private nature reserve's natural and cultural values and on assets within and adjacent to the private nature reserve.

**SCHEDULE 2 – OBJECTIVES OF THE RESOURCE
MANAGEMENT AND PLANNING SYSTEM OF
TASMANIA**

Section 3(1)

1. The objectives of the resource management and planning system of Tasmania are –

- (a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and
- (b) to provide for the fair, orderly and sustainable use and development of air, land and water; and
- (c) to encourage public involvement in resource management and planning; and
- (d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and
- (e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.

2. In item 1(a), “**sustainable development**” means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while –

- (a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and

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- (b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
- (c) avoiding, remedying or mitigating any adverse effects of activities on the environment.

**SCHEDULE 3 – PROVISIONS WITH RESPECT TO
MEMBERSHIP AND MEETINGS OF A
CONSERVATION MANAGEMENT TRUST**

Section 33(3)

Interpretation

1. In this Schedule, “**Trust**” means a Conservation Management Trust established under section 31.

Terms and conditions of office of members of Trust

2. (1) A member of a Trust –

- (a) is to be appointed for such period as the Minister thinks fit and is to hold and vacate office in accordance with the terms of his or her appointment or reappointment; and
- (b) may be removed from office by the Minister by notice in writing addressed and delivered to that member; and
- (c) may at any time resign his or her office by notice in writing addressed and delivered to the Minister.

(2) The terms and conditions of office of a member of a Trust, with respect to matters not provided for in this Schedule, are as determined by the Minister.

Change of name of body which member of Trust represents

3. If the body referred to in paragraph (f) of section 33(1) changes its name to another name or ceases to exist under

the name referred to in that paragraph, the Minister may, by order, amend that paragraph –

- (a) by substituting for the name of the body that other name; or
- (b) by substituting for the name of the body the name of some other body which he or she is satisfied represents substantially the same interests as those represented by the first-mentioned body.

Appointment of substitute to act during absence of member of Trust

4. If a member of a Trust is unable for any reason to carry out his or her functions as such a member for any period, the Minister may appoint a person who, in his or her opinion, is suitably qualified to act in place of that member during that period, and that person is, for that period, taken to be a member of the Trust to act in the place of that member during that period.

Convening of meetings

5. Meetings of a Trust may be convened by the chairperson of the Trust or by any 2 or more members of the Trust.

Quorum

6. Five members of a Trust constitute a quorum of the Trust.

Presiding at meetings

7. (1) The chairperson of a Trust is to preside at all meetings of the Trust at which he or she is present.

(2) If the chairperson of a Trust is not present at a meeting of the Trust, a member of the Trust elected by the members present is to preside at that meeting.

Decision of meeting

8. A decision carried by a majority of the votes of the members present at a meeting of a Trust is to be a decision of the Trust.

Power of Trust to regulate its own procedure

9. Subject to this Schedule, the procedure for the calling of meetings of a Trust and for the conduct of business at those meetings is to be as determined by the Trust.

**SCHEDULE 4 – SAVINGS AND TRANSITIONAL
PROVISIONS**

Section 92

Interpretation

1. In this Schedule, “**repealed Act**” means the *National Parks and Wildlife Act 1970*.

Leases, licences, warrants and other authorities

2. A lease, licence, warrant or other authority in force under a provision of the repealed Act that corresponds to a provision of this Act, or taken to be such a lease, licence, warrant or other authority, immediately before the commencement day, is taken to have been made under that provision of this Act.

Management plans

3. (1) A management plan prepared or approved and in force, immediately before the commencement day, under the repealed Act is taken to have been prepared or approved and to be in force as a management plan under this Act.

(2) An act done by the Director or any other person in relation to the preparation or amendment of a management plan under the repealed Act is taken to have been done under this Act.

Director

4. The appointment of the Director of National Parks and Wildlife that was in effect under the repealed Act immediately before the commencement day continues according to its terms and is taken to be an appointment as the Director under this Act.

Rangers

5. The appointment of a ranger that was in effect under the repealed Act immediately before the commencement day continues according to its terms and is taken to be an appointment as a ranger under this Act.

National Parks and Wildlife Advisory Council

6. The appointment of a person as a member or chairperson of the National Parks and Wildlife Advisory Council that was in effect under the repealed Act immediately before the commencement day continues according to its terms and is taken to be an appointment as a member or chairperson of that Council under this Act.

National Parks and Reserved Land Regulations 1999

7. The *National Parks and Reserved Land Regulations 1999* are taken to have been made under this Act.

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SCHEDULE 5 – ACTS REPEALED

Section 94

National Parks and Wildlife Act 1970 (No. 47 of 1970)

National Parks and Wildlife Amendment Act 2001 (No. 12
of 2001)

National Parks and Wildlife Amendment Act (No. 2) 2001
(No. 32 of 2001)

National Parks and Wildlife Amendment Act (No. 3) 2001
(No. 87 of 2001)

*National Parks and Wildlife Amendment (Conservation
Covenants) Act 2002* (No. 18 of 2002)