



Australian Capital Territory

Nature Conservation Act 1980

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About this republication

The republished law

This is a republication of the *Nature Conservation Act 1980* effective 18 July 2001 to 4 September 2001.

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- authorised republications to which the *Legislation Act 2001* applies
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The *Legislation (Republication) Act 1996*, part 3, division 2 authorised the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation (Republication) Act 1996*, s 14 and s 16). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.



Australian Capital Territory

Nature Conservation Act 1980

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As in force on
18 July 2001



Australian Capital Territory

Nature Conservation Act 1980

An Act to make provision for the protection and conservation of native animals and native plants, and for the reservation of areas for those purposes

Part 1 Preliminary

1 Name of Act

This Act is the *Nature Conservation Act 1980*.

2 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain words and expressions used in this Act, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in this Act or in other legislation.

For example, the signpost definition '*motor vehicle*—see the *Road Transport (General) Act 1999*, dictionary.' means that the expression 'motor vehicle' is defined in the dictionary to that Act and the definition applies to this Act.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see *Interpretation Act 1967*, s 11F and s 11G).

3 Notes

A note included in this Act is explanatory and is not part of this Act.

Note See *Interpretation Act 1967*, s 12 (1), (4) and (5) for the legal status of notes.

6 Application of Bushfire Act

This Act shall have effect subject to the *Bushfire Act 1936*.

6A Construction consistent with environment laws

- (1) This Act shall be construed and administered in a manner that is consistent with an environment law unless the contrary intention appears from this Act or that law.
- (2) This Act shall be taken to be consistent with an environment law to the extent that it is capable of operating concurrently with that law.

(3) In this section:

environment law means a law of the Territory that has as 1 of its objects or purposes the protection of the environment.

Part 2 Administration

Division 2.1 The conservator and the service

7 Conservator of Flora and Fauna

- (1) There shall be a Conservator of Flora and Fauna.
- (2) The chief executive shall create and maintain an office in the public service the duties of which include performing the functions of the Conservator of Flora and Fauna.
- (3) The conservator shall be the public servant for the time being performing the duties of the public service office referred to in subsection (2).

8 Conservation officers

- (1) There shall be 1 or more conservation officers.
- (2) The chief executive shall create and maintain 1 or more offices in the public service the duties of which include performing the functions of a conservation officer.
- (3) The following persons shall be conservation officers:
 - (a) any public servant for the time being performing the duties of a public service office of conservation officer referred to in subsection (2);
 - (b) the conservator;
 - (c) any other person appointed in writing by the chief executive for the purpose.

9 Identity cards

- (1) The chief executive shall issue to the conservator an identity card that specifies the conservator's name and office, and on which appears a recent photograph of the conservator.

- (2) The chief executive shall issue to a conservation officer an identity card that specifies the officer's name and office, and on which appears a recent photograph of the officer.
- (3) Upon ceasing—
- (a) to occupy, or to act in, the office of the conservator; or
 - (b) to occupy, or to act in, an office of a conservation officer; or
 - (c) to be appointed as a conservation officer under section 8 (3) (c);
- a person shall not, without reasonable excuse, fail to return his or her identity card to the chief executive.

Maximum penalty (subsection (3)): 1 penalty unit.

13 Exercise of powers

The conservator or a conservation officer, in exercising a power conferred on him or her under this Act, other than a power conferred by part 10, may exercise the power with such assistance as is necessary.

14 Delegation

The conservator may, by instrument, delegate to a conservation officer any of his or her powers under this Act.

15 Australian Capital Territory Parks and Conservation Service

- (1) There is established by this Act a service by the name of the Australian Capital Territory Parks and Conservation Service.
- (2) The Australian Capital Territory Parks and Conservation Service shall consist of the conservation officers.
- (3) It is the function of the Australian Capital Territory Parks and Conservation Service to assist the conservator in the exercise of his or her functions under this Act.

Division 2.2 Flora and Fauna Committee

Subdivision 2.2.1 Establishment, functions and powers

15A Establishment

There is established by this Act a committee by the name of the Flora and Fauna Committee.

15B Functions

The functions of the committee are—

- (a) to provide advice to the Minister in relation to nature conservation; and
- (b) to exercise such powers as are provided for under this Act.

15C Directions to committee

- (1) The Minister may give the committee general directions, in writing, in relation to nature conservation.
- (2) The Minister shall give a copy of any direction under subsection (1) to the conservator.
- (3) The conservator shall include in a report presented by him or her, or information provided by him or her, under the *Annual Reports (Government Agencies) Act 1995*, section 8 a copy of any direction given to the committee by the Minister during the period to which the report or information relates.

15D Powers

The committee has power to do all things necessary or convenient to be done in connection with the performance of its functions.

Subdivision 2.2.2 Constitution and meetings

15E Membership

- (1) The committee shall consist of 7 members appointed, in writing, by the Minister, at least 2 of whom shall not be public servants.
- (2) The Minister shall not appoint a person as a member unless the Minister is satisfied that the person has appropriate expertise in biodiversity or ecology.
- (3) A member holds office as a part-time member.
- (4) A member holds office for such period, not exceeding 3 years, as is specified in the instrument of appointment.
- (5) A member holds office on such terms and conditions (in respect of matters not provided for by this part) as are determined by the Minister in writing.

Note 1 A person may be reappointed to a position if the person is eligible to be appointed to the position (see *Interpretation Act 1967*, s 28 (3) (c) and dict, def of **appoint**).

Note 2 A power to appoint a person to a position includes power to appoint a person to act in the position (see *Interpretation Act 1967*, s 28 (4)-(6)).

15F Appointment of chairperson and deputy chairperson

- (1) The Minister shall appoint from the members—
 - (a) a chairperson; and
 - (b) a deputy chairperson.
- (2) The chairperson and the deputy chairperson shall not be public servants.

15G Secretary to committee

The secretary to the committee must be a public servant nominated by the chief executive.

15J Leave of absence

The Minister may, by writing, grant leave of absence to a member on specified terms and conditions as to remuneration or otherwise.

15K Disclosure of interests

- (1) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the committee shall, as soon as practicable after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a committee meeting.
- (2) A disclosure shall be recorded in the minutes of the meeting and, unless the Minister otherwise determines, the member shall not—
 - (a) be present during any deliberation of the committee with respect to that matter; or
 - (b) take part in any decision of the committee with respect to that matter.

15M Termination of appointment

- (1) The Minister may terminate the appointment of a member for misbehaviour or physical or mental incapacity.
- (2) If a member—
 - (a) without reasonable excuse, contravenes section 15K; or
 - (b) is absent from duty, except on leave of absence granted by the Minister, from 3 consecutive meetings of the committee;

the Minister shall terminate the appointment of the member.

Note The member's appointment also ends if the member resigns (see the *Interpretation Act 1967*, s 28 (8) and (9)).

15P Convening meetings

- (1) The chairperson, or, if he or she is unable to do so, the deputy chairperson, shall convene such committee meetings—

- (a) as he or she considers necessary for the efficient performance of its functions; and
 - (b) as the Minister directs by notice in writing given to the chairperson or the deputy chairperson.
- (2) Where the chairperson or the deputy chairperson proposes to convene a meeting of the committee, he or she shall, not later than 5 working days before the date of the proposed meeting, give each member a notice, in writing, specifying—
- (a) the date, time and place of the meeting; and
 - (b) the matters to be considered at the meeting.

15Q Procedure at meetings

- (1) The chairperson shall preside at all committee meetings at which he or she is present.
- (2) Where the chairperson is not present at a meeting, the deputy chairperson shall preside.
- (3) Where the chairperson and the deputy chairperson are both absent from a meeting, the members present shall elect 1 of their number to preside.
- (4) The member presiding at a meeting may give directions regarding the procedure to be followed in connection with the meeting.
- (5) Questions arising at a meeting shall be decided by a majority of the votes of the members present and voting.
- (6) The member presiding at a meeting has a deliberative vote and, in the event of an equality of votes, a casting vote.
- (7) The committee shall keep minutes of its proceedings.

15R Quorum

At a meeting of the committee, a majority of the members for the time being constitute a quorum.

Part 3 Nature conservation and declarations

Division 3.1 Nature conservation strategy

15S Draft nature conservation strategy

- (1) The conservator shall prepare a draft nature conservation strategy in writing.
- (2) A draft nature conservation strategy prepared pursuant to subsection (1) shall include proposals in relation to the protection, management and conservation of flora and fauna indigenous to the Territory.

15T Variation

- (1) The conservator may prepare a draft variation of a nature conservation strategy in the same manner as a draft nature conservation strategy.
- (2) This division applies to a draft variation of a nature conservation strategy as if it were a draft nature conservation strategy.

15U Public notification of draft nature conservation strategy or variations

- (1) The conservator shall cause to be published in the Gazette, and in a newspaper, a notice—
 - (a) stating that copies of a draft strategy are available for public inspection during a period of not less than 21 days specified in the notice at a place specified in the notice; and
 - (b) inviting interested persons to submit written comments about the draft strategy to the conservator at an address specified in the notice and within that period.
- (2) The conservator shall make copies of the draft strategy available for public inspection during office hours during the period, and at the place, specified in the notice.

(3) In this section:

draft strategy includes a draft strategy that has been revised under section 15V (1).

15V Revision, deferral or withdrawal of draft strategy or variations

- (1) After the expiration of the period specified in the notice under section 15U (1), the conservator may—
 - (a) confirm the draft strategy; or
 - (b) revise the draft strategy; or
 - (c) by notice published in the Gazette defer until a specified date, or until the occurrence of a specified event, the submission of the draft strategy to the Minister; or
 - (d) by notice published in the Gazette withdraw the draft strategy.
- (2) In confirming, revising, deferring or withdrawing a draft strategy under subsection (1), the conservator shall consider written comments about the draft strategy received from any person.
- (3) Where a draft strategy is deferred by notice under subsection (1) (c), as soon as practicable after the date, or the event, specified in the notice, as the case may be, the conservator shall cause to be published in the Gazette a notice stating that the draft strategy is revived.

15W Submission etc of draft strategy or variations to Minister

- (1) Where the conservator—
 - (a) confirms a draft strategy (including a draft strategy that has been revised under section 15V (1)); or
 - (b) publishes a notice under section 15V (3) in relation to a draft strategy;

the conservator shall, after the expiration of any applicable period specified in a notice under section 15U (1), submit the draft strategy to the Minister for approval, together with a written report setting out the

issues raised in any written comments concerning the draft strategy submitted pursuant to the invitation in that notice.

- (2) Where a draft strategy is deferred by notice under section 15X (b) (v), as soon as practicable after the date, or the event, specified in the notice, as the case may be, the conservator shall cause to be published in the Gazette a notice stating that the draft strategy is revived.
- (3) Where the conservator—
 - (a) gives effect to a direction under section 15X (b) (other than a direction under section 15X (b) (v) or (vi)); or
 - (b) publishes a notice under subsection (2);

in relation to a draft strategy, the conservator shall resubmit the draft strategy to the Minister for approval.

15X Draft strategy or variations—powers of Minister

On receipt of a draft strategy submitted or resubmitted for approval, the Minister shall—

- (a) approve the draft strategy in the form in which it is submitted or resubmitted; or
- (b) return the draft strategy to the conservator and direct the conservator to take any 1 or more of the following actions in relation to it:
 - (i) conduct further specified consultation;
 - (ii) consider any relevant environmental report, the report of any relevant inquiry under the *Land (Planning and Environment) Act 1991*, or any other relevant report;
 - (iii) consider any revision suggested by the Minister;
 - (iv) revise the draft strategy in a specified manner;
 - (v) defer, by notice published in the Gazette, the resubmission of the draft strategy to the Minister until a specified date or the occurrence of a specified event;

- (vi) withdraw the draft strategy by notice published in the Gazette; or
- (c) reject the draft strategy.

15Y Notice of rejection of draft strategy

Where the Minister rejects a draft strategy he or she shall cause to be published in the Gazette, and in a newspaper, a notice stating that the draft strategy has been rejected.

15Z Commencement of nature conservation strategy or variations

- (1) To the extent that they have not been disallowed under the *Subordinate Laws Act 1989*—
 - (a) the provisions of an instrument prepared for the purposes of section 15S (1) (including any revision of the instrument) become the text of the nature conservation strategy for the Territory (the *strategy*); and
 - (b) the provisions of an instrument prepared for the purposes of section 15T (1) (including any revision of the instrument) become the text of a variation of the strategy.
- (2) As soon as practicable after the provisions of an instrument become the text of the strategy, or a variation of the strategy, the Minister shall cause to be published in the Gazette a notice specifying—
 - (a) the date (not being earlier than the date of publication of that notice) on which the strategy or variation takes effect; and
 - (b) the place or places where copies of the strategy or variation may be obtained;

and the strategy or variation shall take effect on that date.

Division 3.2 **Declarations about special protection status and protected and exempt flora and fauna**

16 **Special protection status**

- (1) The conservator may, by instrument, declare the members of a species of migratory animal to have special protection status if the protection of the species is the object, or part of the object, of an Act of the Commonwealth, or of an international agreement (however described) entered into by the Commonwealth.
- (2) The conservator shall, by instrument, declare the members of a species of native animal or native plant to have special protection status if—
 - (a) he or she believes on reasonable grounds that the species is threatened with extinction; or
 - (b) the Minister makes a declaration under section 21 that the species is endangered.

- (3) In this section:

migratory animal means a migratory animal that periodically or occasionally visits Australia, the Australian coastal sea or the sea over the continental shelf of Australia.

17 **Declaration of protected and exempt flora and fauna**

- (1) The conservator may, by instrument, declare—
 - (a) fish or invertebrates of a particular kind to be protected fish or protected invertebrates; or
 - (b) animals of a particular kind to be exempt animals; or
 - (c) native plants of a particular kind to be protected native plants; or
 - (d) native animals of a particular kind to be protected native animals.
- (2) In making a declaration under subsection (1), the conservator shall take into consideration—

- (a) the need to protect native animals and native plants generally in the Territory; and
- (b) the need to conserve the significant ecosystems of the Territory, New South Wales and Australia; and
- (c) in relation to a declaration under subsection (1) (a), (c) or (d)—the specialised welfare and security requirements of the animal, plant, fish or invertebrate.

Division 3.3 Declaration of species, community or process

Subdivision 3.3.1 Criteria and guidelines for declarations

18 Criteria for recommending declaration

- (1) The committee shall, within 6 months of its establishment, by instrument, specify criteria for assessing whether the committee should recommend the making of a declaration under section 21.
- (2) In specifying criteria for the purposes of subsection (1) the committee shall have regard only to factors relevant to—
 - (a) the conservation of a species or ecological community; or
 - (b) the ecological significance of a threatening process;in relation to the Territory and the surrounding region.

19 Guidelines for recommending declaration

The committee shall, within 6 months of its establishment, by instrument specify guidelines for the procedures to be followed by the committee in relation to making a decision on an application under section 22 (1).

20 Public consultation on preparation of relevant criteria and guidelines

- (1) Before specifying criteria under section 18, the committee shall cause a notice to be published in a newspaper—

- (a) outlining the proposed criteria; and
 - (b) inviting written suggestions in relation to the inclusion of relevant criteria to be lodged with it within 28 days after the date of the invitation.
- (2) Before specifying guidelines under section 19, the committee shall cause a notice to be published in a newspaper—
- (a) outlining the proposed guidelines; and
 - (b) inviting written suggestions in relation to the inclusion of relevant criteria to be lodged with it within 28 days after the date of the invitation.
- (3) On receiving any such suggestions the committee shall consider those suggestions.

Subdivision 3.3.2 Making of declarations

21 Declaration of species, community or process

- (1) Where, having regard to the criteria specified under section 18, the committee has reasonable grounds to believe that a species is vulnerable or endangered, the committee shall advise the Minister of that opinion and recommend to the Minister that the species be declared to be vulnerable or endangered, as the case may be.
- (2) Where, having regard to the criteria specified under section 18, the committee has reasonable grounds to believe that an ecological community is endangered, the committee shall advise the Minister of that opinion and recommend to the Minister that the community be declared to be an endangered community.
- (3) Where, having regard to—
- (a) the criteria specified under section 18; and
 - (b) the significance of a process within the Territory and the surrounding region;

the committee has reasonable grounds to believe that the process is a threatening process, the committee shall advise the Minister of that

opinion and recommend to the Minister that the process be declared to be a threatening process.

- (4) Where the Minister accepts a recommendation under this section, the Minister shall, by instrument, make the declaration sought.

22 Request to committee to recommend making of declaration

- (1) A person may make an application to the committee requesting the committee to recommend the making of a declaration under section 21.
- (2) An application shall be—
- (a) in writing; and
 - (b) in a form approved by the committee; and
 - (c) accompanied by a statement containing the reasons why the applicant considers that the declaration should be made.
- (3) On application, in accordance with this section, the committee may, after considering the relevant criteria—
- (a) make the recommendation sought; or
 - (b) refuse to make that recommendation.
- (4) Where the committee, in accordance with subsection (3) (b), refuses to make a recommendation, the chairperson shall give to the applicant a written notice including a statement of reasons for the decision.

Division 3.4 Action plans

23 Draft action plan

- (1) The conservator shall prepare, for public information, a draft action plan in relation to each species, ecological community or process the subject of a declaration under section 21.
- (2) A draft action plan prepared pursuant to subsection (1) shall include—
- (a) proposals to ensure, as far as is practicable, the identification, protection and survival of the species, or the ecological community; or

- (b) proposals to minimise the effect of any process which threatens any species or ecological community.

23A Variation

- (1) The conservator may prepare a draft variation of an action plan in the same manner as a draft action plan.
- (2) Sections 23B and 23C apply to a draft variation of an action plan as if it were a draft action plan.

23B Public notification of draft action plan

- (1) The conservator shall cause to be published in the Gazette, and in a newspaper a notice—
 - (a) stating that copies of the draft action plan are available for inspection at a place specified in the notice; and
 - (b) inviting interested persons to submit written comments about the draft action plan to the conservator at a specified address and within a specified period, being not less than 21 days from the day on which the notice appears.
- (2) The conservator shall make copies of the draft action plan available for public inspection during office hours during the period, and at the place specified in the notice.
- (3) The conservator shall consider any comments lodged with him or her in accordance with an invitation under subsection (1) (b).

23C Action plan

After the expiration of the period specified in the notice under section 23B (1) (a), the conservator may, after considering any comments lodged with him or her in accordance with section 23B (1) (b) and effecting any revisions, prepare an action plan.

23D Public notification of action plan

- (1) The conservator shall cause to be published in the Gazette, and in a newspaper, a notice stating that copies of the action plan are available

for public inspection during a period of not less than 21 days specified in the notice at a place specified in the notice.

- (2) The conservator shall make copies of the action plan available for public inspection during office hours during the period, and at the place specified in the notice.

Division 3.5 Tabling and disallowance

23E Instruments to be disallowable instruments

A draft strategy approved by the Minister under section 15X, a draft variation approved under that section and an instrument made under section 16, 17, 18, 21 or 23C is a disallowable instrument.

Part 4 Protection of animals and fish

24 Nests of native animals

- (1) A person shall not, except in accordance with a licence, interfere with a nest of a native animal, or with anything in the immediate environment of such a nest, if the interference—
- (a) places the animal or its progeny in danger of death; or
 - (b) places the animal in danger of not being able to breed—
 - (i) if the interference occurs during the animal's breeding season—during that season; or
 - (ii) in any other case—during the animal's next breeding season.

Maximum penalty:

- (a) if the animal has special protection status—100 penalty units, imprisonment for 1 year or both; or
 - (b) in any other case—50 penalty units, imprisonment for 6 months or both.
- (2) A person shall not, except in accordance with a licence, interfere with a nest of a native animal, or with anything in the immediate environment of such a nest.

Maximum penalty:

- (a) if the animal has special protection status—30 penalty units; or
 - (b) in any other case—20 penalty units.
- (3) It is a defence to a prosecution for an offence against subsection (1) if it is established that the defendant believed on reasonable grounds that the alleged danger did not exist.
- (4) It is a defence to a prosecution for an offence against subsection (1) or (2) if it is established that the defendant believed on reasonable grounds that the place, structure or object alleged to have been interfered with—

- (a) was not a nest; or
 - (b) was not in the immediate environment of a nest;
- as the case may be.
- (5) In this section:
- interfere with* includes damage or destroy.
- nest*, in relation to a native animal, includes—
- (a) a particular place, structure or object that is being, or has been within the previous 2 years, used as a nesting place by the animal; or
 - (b) a partially constructed nest that has not been used as a nesting place by the animal.

25 Killing native animals

- (1) A person shall not, except in accordance with a licence, kill a native animal.
- Maximum penalty:
- (a) if the animal has special protection status—100 penalty units, imprisonment for 1 year or both; or
 - (b) in any other case—50 penalty units, imprisonment for 6 months or both.
- (2) subsection (1) does not apply to or in relation to the killing of an animal in circumstances in which the animal constitutes a danger to a person.

26 Taking native animals

- (1) A person shall not, except in accordance with a licence, take a native animal, whether dead or alive.
- Maximum penalty:
- (a) if the animal has special protection status—100 penalty units, imprisonment for 1 year or both; or

- (b) in any other case—50 penalty units, imprisonment for 6 months or both.
- (2) This section does not apply to the taking of an animal that is suffering from a disease, illness or injury for the purpose of treating it or giving it to a conservation officer.

27 Keeping animals

- (1) A person shall not, except in accordance with a licence, keep an animal other than an exempt animal.

Maximum penalty:

- (a) if the animal has special protection status—100 penalty units, imprisonment for 1 year or both; or
- (b) in any other case—50 penalty units, imprisonment for 6 months or both.
- (2) Subsection (1) does not apply to or in relation to an animal kept by a person if—
 - (a) the animal is suffering from a disease, illness or injury; and
 - (b) the animal is being kept by the person for the purpose of being given treatment for that disease, illness or injury or being delivered to a conservation officer; and
 - (c) the period for which the animal has been kept by the person does not exceed 48 hours.

28 Selling animals

- (1) A person shall not, except in accordance with a licence, sell an animal other than an exempt animal.

Maximum penalty:

- (a) if the animal has special protection status—100 penalty units, imprisonment for 1 year or both; or
- (b) in any other case—50 penalty units, imprisonment for 6 months or both.

29 Import and export of animals

- (1) A person shall not, except in accordance with a licence, import into or export from the Territory an animal other than an exempt animal.

Maximum penalty:

- (a) if the animal has special protection status—100 penalty units, imprisonment for 1 year or both; or
- (b) in any other case—50 penalty units, imprisonment for 6 months or both.

39 Release of animals from captivity

- (1) A person shall not, except in accordance with a licence, release a native animal from captivity if the release—

- (a) places the animal in greater danger of injury or death than if it had been kept in captivity; or
- (b) threatens the survival, abundance or evolution of any species of native animals.

Maximum penalty:

- (a) if the animal has special protection status—100 penalty units, imprisonment for 1 year or both; or
- (b) in any other case—50 penalty units, imprisonment for 6 months or both.

- (2) A person shall not, except in accordance with a licence, release an animal that is not a native animal from captivity if the release—

- (a) places any native animal in danger of injury or death; or
- (b) threatens the survival, abundance or evolution of any species of native animals.

Maximum penalty: 50 penalty units.

- (3) A person shall not, except in accordance with a licence, release an animal from captivity.

Maximum penalty: 50 penalty units.

- (4) It is a defence to a prosecution for an offence against subsection (1) if it is established that the defendant believed on reasonable grounds that the release of the animal—
- (a) did not place the animal in greater danger of injury or death than if it had been kept in captivity; and
 - (b) did not threaten the survival, abundance or evolution of any species of native animals.
- (5) It is a defence to a prosecution for an offence against subsection (2) if it is established that the defendant believed on reasonable grounds that the release of the animal—
- (a) did not place any native animal in danger of injury or death; and
 - (b) did not threaten the survival, abundance or evolution of any species of native animals.
- (6) This section does not apply to a person who—
- (a) finds and takes a native animal that is suffering from a disease, illness or injury; and
 - (b) within 48 hours of having taken the animal—
 - (i) treats the animal; and
 - (ii) releases it within 500m of the place where it was taken.

40 Escape of native animals

Where a native animal escapes from custody—

- (a) the interest held by any person in the animal is divested from that person; and
- (b) any licence held by a person in respect of the animal ceases to apply to the animal.

Part 5 Protection of plants

42 Taking plants

- (1) A person shall not, except in accordance with a licence, take a plant that—
- (a) has special protection status; or
 - (b) is a protected native plant; or
 - (c) is a native plant growing on unleased land.

Maximum penalty:

- (a) if the plant has special protection status—100 penalty units, imprisonment for 1 year or both; or
 - (b) if the plant does not have special protection status but the court finds that the defendant intended to sell it—50 penalty units, imprisonment for 6 months or both; or
 - (c) in any other case—50 penalty units.
- (2) Subsection (1) does not apply where—
- (a) an occupier of land not in a built-up area—
 - (i) cultivates a protected native plant on the land; or
 - (ii) takes seeds from a protected native plant growing on the land for the purposes of cultivating such a plant on the land; or
 - (b) an occupier of land takes a protected native plant growing on the land which had been planted or caused to be planted by the occupier; or
 - (c) a person takes seeds for domestic use from a native plant (other than a plant having special protection status or a protected native plant) growing on unleased land; or
 - (d) an occupier of land in a built-up area takes a protected native plant growing on the land; or

- (e) an occupier of land outside any built-up area takes a protected native plant in the course of preparing or using the land for primary production in accordance with the lease or licence under which the land is occupied; or
 - (f) a conservation officer or public servant takes a native plant in the exercise of his or her functions.
- (4) Where, in a prosecution for an offence against subsection (1), the plant to which the offence relates is seaweed, it is a defence to the prosecution that the quantity of seaweed picked by the defendant was not reasonably sufficient to enable the seaweed to be used for commercial purposes.
- (5) In this section:

cultivates, in relation to a native plant, means sowing its seeds, fertilising it, applying chemicals to it or trimming, lopping or digging it up—

- (a) for a purpose reasonably beneficial to the plant, or to a protected native plant growing in close proximity; or
- (b) for the purpose of its propagation.

native plant does not include native timber.

protected native plant does not include native timber.

43 Preservation of native timber

- (1) A person shall not, without reasonable excuse—
- (a) fell, or cause to be felled; or
 - (b) damage, or cause to be damaged;

standing native timber on unleased land in the built-up area, or leased or unleased land outside the built-up area, except in accordance with a licence.

Maximum penalty: 50 penalty units.

- (2) Subsection (1) does not apply in relation to felling or damage of native timber on leased land outside the built-up area where—

- (a) the timber was planted by or on behalf of an occupier and felled or damaged by or on behalf of that occupier or a subsequent occupier; or
- (b) in the case of timber which is felled—in the opinion of the person responsible for the felling, based on reasonable grounds, the felling of the timber was necessary to avert an immediate danger of injury to a person or damage to property; or
- (c) the timber is felled or damaged with the intention of using it on the land for a purpose other than sale or trade.

- (3) A person shall not, without reasonable excuse, remove or cause to be removed fallen native timber on unleased land in the built-up area, or leased or unleased land outside the built-up area, except in accordance with a licence.

Maximum penalty: 50 penalty units.

- (4) A person shall not without reasonable excuse damage, or cause to be damaged, fallen native timber on unleased land, except—
- (a) in accordance with a licence; or
 - (b) if the timber has a diameter of less than 10cm.

Maximum penalty: 50 penalty units.

- (5) Subsections (1), (3) and (4) do not apply in relation to the felling, removal or damage of native timber—
- (a) by a conservation officer, or a public servant, in the exercise of his or her functions; or
 - (b) with the authority of the conservator.

- (6) In addition to the penalty that may be imposed for an offence against this section involving the felling or removal of native timber, the court may order the defendant to pay to the Territory an amount equal to the value of the timber felled or removed in contravention of this section.

- (7) Where the court makes an order under subsection (6), the same proceedings may be taken upon the order as if it were a judgment of the Magistrates Court entered in civil proceedings in favour of the Territory.

(8) In this section:

removal means—

- (a) in relation to native timber on leased land—removal of the timber from the land subject to the lease; or
- (b) in relation to native timber on unleased land—removal from the immediate vicinity.

44 Dealing in protected native plants

(1) A person shall not, except in accordance with a licence—

- (a) sell a protected native plant; or
- (b) import into the Territory, or export from the Territory, a protected native plant for the purposes of sale or trade.

Maximum penalty:

- (a) if the plant has special protection status—100 penalty units, imprisonment for 1 year or both; or
 - (b) in any other case—50 penalty units, imprisonment for 6 months or both.
- (2) Nothing in subsection (1) applies to or in relation to the importation into the Territory of native timber.

45 Plant tags

(1) A person shall not sell or export from the Territory a protected native plant, or a plant that has special protection status, other than a seed or a dead plant, unless there is attached to the plant a tag of an approved kind on which the particulars referred to in subsection (2) are clearly and indelibly marked.

Maximum penalty:

- (a) if the plant has special protection status—50 penalty units; or
- (b) in any other case—25 penalty units.

- (2) The particulars to be marked on a tag for the purpose of subsection (1) are—
- (a) the name of the person proposing to sell or export the plant; and
 - (b) the botanical name and common name (if any) of the plant.
- (3) For the purposes of subsection (1), a tag shall be taken to be a tag of an approved kind if it is made of metal, plastic, cloth or some other durable material.

Part 6 Prohibited and controlled organisms

45AA Declarations

- (1) The conservator may, by instrument, declare organisms of a particular kind to be prohibited organisms.
- (2) The conservator may, by instrument, declare organisms of a particular kind to be controlled organisms.
- (3) In making a declaration under this section, the conservator shall consider—
 - (a) the need to protect native animals and native plants in the Territory; and
 - (b) the need to conserve the significant ecosystems of the Territory, New South Wales and Australia.
- (4) A declaration under this section is a disallowable instrument.

45AB Possession of prohibited organisms

A person shall not possess a prohibited organism, except in accordance with a licence.

Maximum penalty: 50 penalty units.

45AC Controlled organisms

A person shall not perform an action prescribed by the regulations in relation to a controlled organism, except in accordance with a licence.

Maximum penalty: 50 penalty units.

Part 7 Conservation directions

45A Meaning of *native animal* in pt 7

In this part:

native animal includes any live fish.

46 Entry onto land for purpose of carrying out examination

- (1) Subject to subsection (2), a conservation officer may enter land and carry out on the land such investigations and examinations in relation to native animals or native plants on the land as the conservation officer considers necessary or desirable for the purpose of ensuring the protection and conservation of those animals or plants.
- (2) A conservation officer shall not enter occupied land, or exercise a power conferred by subsection (1) in relation to occupied land, unless—
 - (a) he or she has received permission in writing to do so from the occupier of the land; or
 - (b) he or she has, not less than 24 hours before entering the land, given the occupier written notice of intention to enter the land.
- (3) Where an occupier (not being the Territory or Commonwealth or a statutory authority) of land suffers loss or damage by reason of the exercise, in relation to the land, of a power conferred by this section, there is due to the person by the Territory such amount as is necessary to compensate the person for the loss or damage suffered by him or her.

47 Conservation directions

- (1) The conservator may give the occupier of land directions for the protection or conservation of native animals, native plants and native timber on the land.
- (2) Directions under subsection (1) shall—

- (a) specify a period, expiring no earlier than 14 days after the date of the directions, within which the directions are to be complied with; and
 - (b) be in accordance with the criteria determined under section 50.
- (3) A person to whom directions are given in accordance with this section shall not, without reasonable excuse, fail to comply with the directions within the time specified in the directions.

Maximum penalty:

- (a) if the directions relate to the protection or conservation of native animals or plants having special protection status—100 penalty units; or
- (b) in any other case—50 penalty units.

49 Diseased native animals and plants

- (1) Where the conservator has reasonable cause to believe—
- (a) that a native animal or a native plant is suffering from a disease; and
 - (b) that it is necessary or desirable for treatment of a particular kind to be carried out in connection with that disease;
- the conservator may, by notice in writing, direct the owner of the animal or plant, within such period as is specified in the notice, to carry out that treatment.
- (2) The conservator shall only issue a notice under subsection (1) in accordance with the criteria determined under section 50.
- (3) Where a notice is given to a person under subsection (1) and—
- (a) the person does not comply with the notice; or
 - (b) the notice is complied with but the animal or plant does not, within a reasonable time, respond satisfactorily to the treatment;

the conservator may, by notice in writing, require the person, within such period as is specified in the notice, to deliver up the animal or plant to the conservator or to destroy it.

- (4) If a person to whom a notice in respect of a native animal is given under subsection (3) fails to comply with the notice, a conservation officer may—
 - (a) enter the land or premises where the animal is kept; and
 - (b) seize the animal.
- (5) A conservation officer may, in respect of an animal seized by the officer under subsection (4)—
 - (a) carry out such treatment, and dispose of the animal in such manner, as he or she thinks fit; or
 - (b) destroy the animal.

50 Conservation criteria

- (1) The conservator may, by instrument, determine criteria for the purposes of sections 47 (2) (b) and 49 (1).
- (2) A determination under subsection (1) is a disallowable instrument.

Part 8 Reserved areas

Division 8.1 Restriction on activities within reserved areas and wilderness zones

53 Access to reserved areas

- (1) The conservator may—
- (a) restrict access to a reserved area, or part of a reserved area, to certain persons or persons included in a class of persons; or
 - (b) prohibit access to a reserved area, or part of a reserved area; where he or she has reasonable cause to believe that—
 - (c) public safety would be endangered; or
 - (d) the management of the reserved area, or that part of the reserved area, would be interfered with;
- by public access to the reserved area, or that part of the reserved area.
- (2) Notice of a restriction or prohibition under subsection (1) shall—
- (a) be published in a newspaper circulating in the Territory; and
 - (b) be prominently displayed at all entrances to the reserved area or part of the reserved area.
- (3) A person who, or a person included in a class of persons which, is, by virtue of subsection (1), prohibited from entering a reserved area or part of a reserved area shall not enter the reserved area or that part of the reserved area.

Maximum penalty: 50 penalty units.

- (4) It is a defence to a prosecution for an offence against subsection (3) that—
- (a) the presence of the defendant in the reserved area, or the part of the reserved area, as the case may be—

- (i) was due to the existence of an emergency; or
- (ii) was unavoidable by the taking of reasonable care; or
- (b) the defendant had no reasonable grounds for suspecting that entry into the reserved area, or part of the reserved area, was prohibited under subsection (1).

53A Fees for entrance to reserved areas

- (1) The determined fee may be charged for entry into a reserved area.
- (2) If, at the request of a conservation officer, a person fails to pay the fee for entry into a reserved area, he or she shall not enter the area.

Maximum penalty: 20 penalty units.

54 Signs in reserved areas

- (1) The conservator may authorise the erection, at or near the entrances to a reserved area or a part of a reserved area, of signs containing directions to be followed by, warnings for the guidance of, and requirements to be observed by, persons entering the reserved area or that part of the reserved area.
- (2) A person in a reserved area shall not contravene a direction or requirement on a sign erected in pursuance of subsection (1).

Maximum penalty: 10 penalty units.

- (3) Unless the contrary is proved, evidence that a sign was erected at or near the entrance to a reserved area or a part of a reserved area is evidence that it was erected with the authority of the conservator.

55 Rubbish and fires in reserved areas

- (1) A person shall not, in a reserved area, cause any rubbish or litter to be placed elsewhere than in a receptacle provided for the purpose by the conservator.

Maximum penalty: 10 penalty units.

- (2) A person shall not, in a reserved area, light, maintain or use a fire otherwise than in—
- (a) a portable barbecue or portable stove, being a barbecue or stove in which heat is provided by the combustion of liquefied petroleum gas; or
 - (b) a fireplace made available by the conservator; or
 - (c) a location approved by the conservator.

Maximum penalty: 50 penalty units.

- (3) It is a defence to a prosecution for an offence against subsection (2)—
- (a) that the fire was lit, maintained or used by the defendant in circumstances that constituted an emergency; or
 - (b) that the defendant had no reasonable grounds for suspecting that the fire was within a reserved area.

56 Activities in reserved areas

- (1) A person shall not, in a reserved area, without the consent in writing of the conservator—
- (a) drive or park a motor vehicle except on a road or track or in a part of the reserved area that is designated to be an area in which the driving or parking of motor vehicles is permitted; or
 - (b) moor a vessel except in a part of the reserved area that is designated to be an area in which the mooring of vessels is permitted; or

- (c) camp except in a part of the reserved area that is designated to be an area in which camping is permitted; or
- (d) erect a building, booth, stall, post, sign or other structure; or
- (e) supply goods or services; or
- (f) plant a plant; or
- (g) deposit garden waste, soil or landscaping material that contains plant material capable of propagating.

Maximum penalty: 30 penalty units.

- (2) A person shall not, in a reserved area, without the consent in writing of the conservator, use or possess—
- (a) a firearm of any kind; or
 - (b) a spear, spear gun, bow or arrow; or
 - (c) a trap, net, snare or other device designed, or capable of use, for the taking or capturing of animals; or
 - (d) any substance that is capable of being used for the taking or capturing of animals.

Maximum penalty: 50 penalty units.

- (3) A person shall not, in a reserved area, without the consent in writing of the conservator—
- (a) damage or destroy a natural or constructed structure or feature; or
 - (b) damage or destroy a site, or remove an object, of historical, archaeological, palaeontological or geological interest.

Maximum penalty: 50 penalty units.

- (4) For the purposes of subsection (1) (a), driving or parking a motor vehicle is not to be taken to be permitted on or adjacent to a road to which access is barred by a gate or a barrier.
- (5) The conservator shall not give consent under subsection (1) in respect of any of the matters referred to in subsection (1) (d) or (e) where the reserved area is, or forms part of, a wilderness area.

- (6) Subsection (2) does not apply to the use or possession of a firearm by a police officer in the course of his or her duties as a police officer.

57 Taking animals and plants into reserved areas

- (1) A person shall not—
- (a) without the consent in writing of the conservator, take into, or knowingly permit to enter, a reserved area an animal other than a native animal; or
 - (b) take a pest plant into a reserved area.

Maximum penalty: 5 penalty units.

- (2) Subsection (1) does not apply to or in relation to the taking by a blind person of his or her guide dog into a reserved area.
- (3) In a prosecution for an offence against subsection (1), evidence that a person had an animal in possession in a reserved area is evidence that the person took the animal into or knowingly permitted the animal to enter, the reserved area.

58 Powers of conservation officers in reserved areas

- (1) A conservation officer may, in a reserved area—
- (a) require any person whom he or she finds acting, or whom he or she reasonably suspects of having acted, in an offensive manner, or in such a manner as to create a public nuisance, to leave the reserved area; and
 - (b) require any person whom he or she reasonably suspects of having done an act in respect of which the person is required to hold an authority under this Act to produce the authority or evidence of the authority.
- (2) Where a conservation officer makes a requirement of a person under subsection (1), the conservation officer shall produce his or her identity card for inspection by that person and, if he or she fails to do so, that other person is not obliged to comply with the requirement.

- (3) Subject to subsection (2), a person shall not, without reasonable excuse, contravene a requirement made of him or her by a conservation officer under subsection (1).

Maximum penalty: 50 penalty units.

- (4) It is a defence to a prosecution for an offence against this section of contravening a requirement to produce an authority or evidence of an authority for the doing of an act if the authority or evidence is, within 2 working days after the requirement was made, produced at the office of the conservator for inspection by a person apparently employed at that office.

- (5) In this section:

authority includes a licence.

59 Offences in wilderness zones

A person shall not, in a wilderness area—

- (a) excavate, except in accordance with a licence; or
- (b) establish a track or road; or
- (c) use a motor vehicle except on a track or road that—
 - (i) was formed for the use of vehicles having 4 or more wheels; and
 - (ii) was in existence at the time of the declaration of the wilderness area.

Maximum Penalty: 50 penalty units.

60 Compensation

- (1) In a prosecution for an offence against this part involving damage to a reserved area, the court may, in addition to the penalty that may be imposed, order the defendant to pay to the Territory an amount equal to the amount incurred or to be incurred by the Territory in making good the damage.

- (2) Where the court makes an order under subsection (1), the same proceedings may be taken upon the order as if it were a judgment of the Magistrates Court entered in civil proceedings in favour of the Territory.

60A Restoration of excavation sites by permit holders

- (1) A person who excavates a site in a wilderness area in accordance with a licence shall, after completing the excavation, restore the site excavated and its surroundings as far as possible to their former state.
- (2) If, in the opinion of the conservator based on reasonable grounds, a person fails to comply with subsection (1), that person shall pay to the Territory an amount equal to any amount incurred by the Territory in restoring the site excavated and its surroundings to their former state.

Part 9 **Management agreements**

60AA Definitions for pt 9

In this part:

activities means—

- (a) in relation to an agency which supplies gas, electricity, water or sewerage services—construction, repair or maintenance carried out by the agency in association with the supply of those services; or
- (b) the construction, repair and maintenance of navigation serving beacons and telecommunications towers; or
- (c) in relation to an agency responsible for the development of land—the agency’s development activities.

agency means—

- (a) a supplier of gas, electricity, water or sewerage services; or
- (b) a person responsible for the construction, repair and maintenance of navigation serving beacons and telecommunications towers; or
- (c) a person responsible for a development of land.

controlled land means—

- (a) public land; or
- (b) Territory land which is not subject to a lease within the meaning of the Land Act, section 159 (1).

development, in relation to land, means—

- (a) the erection, alteration or demolition of a building on the land; or
- (b) the carrying on of work on the land; or
- (c) the use or change of use of the land; or
- (d) the use or change of use of a building or works on the land; or
- (e) the subdivision or consolidation of the land.

Land Act means the *Land (Planning and Environment) Act 1991*.

land management objectives means—

- (a) in relation to public land—management objectives applicable under the Land Act, section 195, as applied by any plan of management for that land under the Land Act, part 5 division 5, subdivision D; and
- (b) in relation to any controlled land—
 - (i) any objectives, policies or purposes specified in the Territory plan for that land; and
 - (ii) the objective of the conservation of the qualities of the natural environment on, and in the vicinity of, the land.

management agreement means an agreement under section 60AB between the conservator and an agency.

natural environment means all biological, physical and visual elements of the earth and its atmosphere, whether natural or modified.

public land means land identified as such in the Territory plan.

60AB Management agreements

- (1) The conservator may propose a management agreement to an agency if—
 - (a) the activities of the agency affect, or may affect, controlled land; and
 - (b) in the opinion of the conservator, those activities may conflict with the land management objectives for that land.
- (2) A management agreement shall set out standards and conditions for avoiding or minimising any conflict with land management objectives for controlled land which might arise as a result of the agency's activities.
- (3) A management agreement may deal with matters including the following:

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- (a) access to land;
 - (b) fire management;
 - (c) drainage;
 - (d) management and maintenance of public or private facilities;
 - (e) rehabilitation of land or public or private facilities;
 - (f) indemnities;
 - (g) emergency procedures;
 - (h) internal stockpiling;
 - (i) fencing;
 - (j) feral animals and weed control.
- (4) A management agreement must not conflict with an approval within the meaning of the Land Act, section 222.

60AC Formulation of agreements

- (1) The conservator shall consult with the agency in formulating a management agreement, and shall consider any representations made on behalf of the agency about the proposed agreement.
- (2) The conservator shall submit a proposed management agreement with an agency to the agency together with a notice stating the date of submission and the consequences under this part of—
 - (a) a refusal to sign the proposed agreement; and
 - (b) breach of a term of the agreement, if the agreement is entered into.
- (3) If an agency decides to enter into a management agreement submitted to it under subsection (2), the agency shall return the agreement to the conservator, signed on behalf of the agency, within 28 days after the date of submission.

60AD Refusal to enter into management agreement

- (1) If an agency refuses to enter into a management agreement, the Territory may recover from the agency any cost reasonably incurred by the Territory in connection with the repair of any damage to controlled land caused by the agency's activities.
- (2) An agency is to be taken to have refused to enter into a management agreement if—
 - (a) the agency notifies the conservator accordingly in writing; or
 - (b) the agency does not return the agreement to the conservator in accordance with section 60AC (3).

60AE Activities inconsistent with management agreement

If an agency enters into a management agreement, the Territory may recover from the agency any cost reasonably incurred by the Territory in connection with the repair of any damage to controlled land caused by activities of the agency inconsistent with the agreement.

Part 10 Licences

61 Application

- (1) An application for the grant of a licence must be—
 - (a) given to the conservator; and
 - (b) accompanied by the determined fee.
- (2) On written notice from the conservator, an applicant for a licence shall give the conservator such further information about the application, or such documentation, as is reasonably required.

62 Grant of licence

- (1) On application under section 61, the conservator shall, in accordance with section 64—
 - (a) grant a licence; or
 - (b) refuse to grant a licence.
- (2) The conservator may grant a licence, in accordance with section 64—
 - (a) subject to any condition, including a condition referred to in section 63; and
 - (b) for such duration as he or she thinks fit.

63 Conditions

- (1) The conditions subject to which a licence may be granted include the following:
 - (a) conditions requiring compliance with a management plan approved by the conservator under subsection (3) for the activities to be undertaken pursuant to the licence;
 - (b) different conditions in relation to species having special protection status, protected fish, protected invertebrates, protected native

animals, protected native plants, exempt animals, controlled organisms and prohibited organisms.

- (2) A licence granted for the keeping of animals for public display shall be subject to the condition of compliance with a management plan approved by the conservator under subsection (3).
- (3) For the purposes of this section, the conservator may, in accordance with section 64, approve a management plan by written notice to the licensee.
- (4) Subject to this section, the conservator may, by written notice to a licensee, vary a condition of a licence in accordance with section 64.
- (5) The variation of a licence condition under subsection (4) takes effect from the date of the notice under that subsection, or from a later date specified in the notice.

64 Licensing criteria

- (1) The conservator shall not grant a licence, or impose or vary a licence condition, except in accordance with the criteria determined under subsection (2).
- (2) The Minister may, by instrument, determine or vary criteria for—
 - (a) the grant or refusal of a licence; and
 - (b) the imposition of conditions; and
 - (c) determining the duration of a licence.
- (3) For the purposes of subsection (2), the Minister may determine different criteria in relation to—
 - (a) species having special protection status; and
 - (b) protected native animals and protected native plants; and
 - (c) other native animals and native plants; and
 - (d) prohibited organisms and controlled organisms; and
 - (e) any other animals, plants, fish and invertebrates.
- (4) A determination under subsection (2) is a disallowable instrument.

65 Duration

A licence remains in force for the period specified in the licence, unless sooner surrendered or cancelled.

66 Surrender

- (1) A licensee may surrender the licence by written notice to the conservator.
- (2) The surrender of a licence takes effect from the date of the notice of surrender, or from a later date specified in the notice.

67 Nature of rights conferred by licences

The grant of a licence does not authorise the licensee to enter upon—

- (a) land held in fee simple; or
- (b) land held under a lease granted by or in the name of the Commonwealth; or
- (c) land that is occupied by a person in pursuance of a licence granted to the person by the Territory or Commonwealth.

69 Cancellation

The conservator may cancel a licence where—

- (a) the licensee is convicted of an offence against this Act; or
- (b) the licensee fails to comply with a licence condition; or
- (c) since the granting of the licence, a change has occurred in relation to a matter that was taken into account in determining the application for the licence and the conservator is of the opinion that the change is such as to necessitate the cessation of the activity in respect of which the licence was granted.

70 Production of licences

A licensee shall, within 2 working days of being so requested by a conservation officer, produce the licence at the office of the conservator for inspection by a person apparently employed at that office.

Maximum penalty:

- (a) if the licence relates to an animal with special protection status—10 penalty units; or
- (b) in any other case—5 penalty units.

72 Records to be kept by licence holders

- (1) A holder of a licence relating to animals who keeps an animal, not being an exempt animal shall keep such records as are prescribed.
- (2) A holder of a licence relating to live fish who keeps live fish shall keep such records as are prescribed.
- (3) A holder of a licence relating to native plants who sells or exports from the Territory such plants shall keep such records as are prescribed.

Maximum penalty:

- (a) if the animal or fish kept, or plant sold or exported, as the case requires, has special protection status—20 penalty units; or
- (b) in any other case—10 penalty units.

73 Production of records

A person who is, by virtue of section 72, required to keep records shall, within 2 working days of being so requested by a conservation officer, produce at the office of the conservator for inspection by a person apparently employed at that office such records as the firstmentioned person is so required to keep.

Maximum penalty: 50 penalty units.

Part 11 Review by the administrative appeals tribunal

74 Review of conservator's decisions

Application may be made to the administrative appeals tribunal for the review of a decision of the conservator—

- (a) giving a direction under section 47 or 49; or
- (b) restricting or prohibiting access to a reserved area or part of a reserved area under section 53; or
- (c) refusing to grant consent under section 56 (1), (2) or (3) or 57 (1); or
- (d) granting a licence under section 62 (1) (a); or
- (e) refusing to grant a licence under section 62 (1) (b); or
- (f) granting a licence subject to any condition under section 62 (2) (a);
or
- (g) granting a licence for a particular duration under section 62 (2) (b);
or
- (h) varying a licence condition under section 63 (4); or
- (i) cancelling a licence under section 69.

74A Notification of decisions

- (1) Where the conservator or a conservation officer makes a decision referred to in section 74, that person shall cause notice in writing of the decision to be given to the person whose interests are affected by the decision.
- (2) A notice under subsection (1) shall be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

Part 12 On-the-spot fines

74AA Definitions for pt 12

In this part:

final infringement notice means a notice under section 74AC.

infringement notice means a notice under section 74AB.

on-the-spot fine, in relation to a schedule 1 offence, means—

- (a) in the case of a natural person—the fine for that offence ascertained by reference to schedule 1; or
- (b) in the case of a body corporate—5 times the amount of that fine.

relevant amount means—

- (a) in relation to an infringement notice—the on-the-spot fine for the alleged schedule 1 offence to which the notice relates; or
- (b) in relation to a final infringement notice—the on-the-spot fine for the alleged schedule 1 offence to which the notice relates, in addition to the determined fee.

relevant period for payment means—

- (a) in relation to an infringement notice—28 days after the date of the notice; or
- (b) in relation to a final infringement notice—14 days after the date of the notice; or
- (c) such extended period as the conservator allows under section 74AF (4) (b) or section 74AG.

schedule 1 offence means an offence against a provision mentioned in column 1 of schedule 1.

74AB Infringement notices

- (1) A conservation officer may serve an infringement notice on a person if the officer believes on reasonable grounds that the person has committed a schedule 1 offence.
- (2) An infringement notice must—
 - (a) identify the conservation officer who issues the notice; and
 - (b) state the full name, or surname and initials, and address of the person on whom it is served; and
 - (c) specify the nature of the alleged offence and the amount of the on-the-spot fine; and
 - (d) specify the day, time and place of the alleged commission of the offence; and
 - (e) include a statement to the effect that if the person on whom the notice is served does not wish the offence to be prosecuted in court, the person may pay the on-the-spot fine to the conservator within—
 - (i) 28 days after the date of the notice; or
 - (ii) if the determined fee is paid in addition—14 days after the date of a final infringement notice; or
 - (iii) such extended period as is allowed under this part; and
 - (f) specify the place at which, and the manner in which, the fine may be paid; and
 - (g) include a statement of the possible consequences if the offence were to be prosecuted in court, including the maximum penalty applicable; and
 - (h) include a statement about the procedures for obtaining an extension of time under this part; and
 - (j) include a statement about the procedures for the withdrawal of the notice under this part; and
 - (k) be dated and signed by the conservation officer who serves the notice.

74AC Final infringement notices

- (1) A conservation officer may serve a final infringement notice on a person where, after the service on the person of an infringement notice—
 - (a) within 28 days after the date of the infringement notice, or within such extended period as the conservator allows under section 74AG—
 - (i) the person fails to pay the on-the-spot fine; and
 - (ii) the person fails to apply for the withdrawal of the infringement notice under section 74AE; or
 - (b) if the person applies for the withdrawal of the infringement notice under section 74AE—
 - (i) the application is rejected; and
 - (ii) the person fails to pay the on-the-spot fine within the extended period allowed under section 74AF (4) (b).
- (2) An infringement notice must—
 - (a) identify the conservation officer who serves the notice; and
 - (b) state the full name, or surname and initials, and address of the person on whom it is served; and
 - (c) specify the nature of the alleged offence and the amount of the on-the-spot fine; and
 - (d) specify the day, time and place of the alleged commission of the offence; and
 - (e) specify the date of the relevant infringement notice, and include a statement to the effect that the person has not paid the on-the-spot fine for the alleged offence to which the notice relates; and
 - (f) include a statement to the effect that if the person on whom the notice is served does not wish the offence to be prosecuted in court, the person may pay the on-the-spot fine, in addition to the determined fee, to the conservator within—
 - (i) 14 days after the date of the notice; or

- (ii) such extended period as is allowed under this part; and
- (g) specify the place at which, and the manner in which, the fine and the fee may be paid; and
- (h) include a statement of the possible consequences if the offence were to be prosecuted in court, including the maximum penalty applicable; and
- (j) include a statement about the procedures for obtaining an extension of time under this part; and
- (k) include a statement about the procedures for the withdrawal of the notice under this part; and
- (m) be dated and signed by the conservation officer who serves the notice.

74AD Discharge of liability for schedule 1 offences

- (1) This section applies where an infringement notice or a final infringement notice has been served on a person in respect of a schedule 1 offence and, before the expiration of the relevant period for payment—
 - (a) the relevant amount is paid in accordance with the notice; or
 - (b) the relevant notice is withdrawn.
- (2) Where this section applies—
 - (a) any liability of the person in respect of the offence is discharged; and
 - (b) no further proceedings shall be taken in respect of the offence; and
 - (c) the person shall not be regarded as having been convicted of the offence.
- (3) For the purposes of this section, where a cheque is tendered in payment of the relevant amount, such payment shall not be taken to have been made unless and until the cheque is honoured on presentation.

74AE Application for withdrawal of infringement notices

- (1) A person on whom an infringement notice or a final infringement notice is served in relation to the alleged commission of a schedule 1 offence may, by notice in writing to the conservator within the relevant period, apply for the withdrawal of the notice.
- (2) A person shall not make more than 1 application under this section in relation to any particular alleged commission of a schedule 1 offence.

74AF Withdrawal of infringement notices

- (1) On receipt of an application under section 74AE, the conservator may withdraw the relevant infringement notice or final infringement notice if satisfied on reasonable grounds that any of the following grounds is made out:
 - (a) the applicant did not commit the offence;
 - (b) the applicant had a reasonable excuse for committing the act constituting the offence;
 - (c) it would be unreasonable in the circumstances to prosecute the applicant for the commission of the offence.
- (2) If the conservator withdraws an infringement notice or final infringement notice, he or she shall give the person on whom the notice was served written notice of the decision.
- (3) A notice under subsection (2) shall—
 - (a) specify the infringement notice or final infringement notice that is withdrawn; and
 - (b) include a statement of the effect of subsections 74AD (1) and (2).
- (4) If the conservator does not withdraw an infringement notice or final infringement notice under subsection (1), the conservator shall—
 - (a) give the person written notice of the decision; and
 - (b) extend the period within which the relevant amount is to be paid, by a period of—

- (i) in the case of a decision not to withdraw an infringement notice—28 days commencing on the date of the notice under paragraph (a); or
 - (ii) in the case of a decision not to withdraw a final infringement notice—14 days commencing on the date of the notice under paragraph (a).
- (5) If the conservator does not give notice to a person under subsection (2) or (4) within 60 days after the receipt of an application for withdrawal of an infringement notice or a final infringement notice under section 74AE, the notice is to be taken to have been withdrawn.
- (6) Where an infringement notice or final infringement notice served on a person is withdrawn under this section, the conservator shall refund any amount paid under section 74AB or 74AC in payment of the relevant on-the-spot fine.

74AG Extension of time for pensioners

- (1) A pensioner on whom an infringement notice or a final infringement notice is served may, within the relevant period, apply for an extension of the relevant period.
- (2) On application under subsection (1), the conservator may, by written notice to the applicant, extend the relevant period by a period expiring no later than 90 days after the date of the notice.
- (3) The conservator may grant an application under this section subject to the condition that the applicant pay the relevant amount by specified instalments within the extended period.
- (4) Where a condition is imposed under subsection (3) that a person pay a relevant amount by specified instalments, if he or she fails to pay an instalment of the relevant amount by the date specified in the notice under subsection (2), this part applies to that person as if—
 - (a) the extended period for payment had expired; and
 - (b) he or she had failed to pay the relevant amount within that period.

(5) A person shall not make more than 1 application under this section in relation to any particular alleged commission of a schedule 1 offence.

(6) In this section:

pensioner means a person who holds, or who is entitled to hold, a pensioner concession card issued by the Commonwealth, or, if that card is superseded, any later replacement for that card.

74AH Prosecution of schedule 1 offences

(1) The conservator shall not institute a prosecution for an offence in respect of which an infringement notice has been served on a person—

- (a) until the expiration of the period of 14 days after the date of service of a final infringement notice in relation to that offence; or
- (b) if that period is extended under section 74AG—until the extended period has expired; or
- (c) if the person applies for the withdrawal of the final infringement notice under section 74AE—unless and until the application is rejected and the extended period granted under section 74AF (4) (b) has expired.

(2) Nothing in section 74AB or 74AC shall be construed as—

- (a) affecting the liability of a person to be prosecuted for a schedule 1 offence in relation to which an infringement notice has not been served; or
- (b) subject to subsection (1), prejudicing or affecting the institution or prosecution of proceedings for a schedule 1 offence; or
- (c) limiting the amount of the fine that may be imposed by the court in respect of a schedule 1 offence.

(3) Where a prosecution is instituted for an offence in respect of which an infringement notice has been served, the conservator shall refund any amount paid under section 74AB or 74AC in payment of the on-the-spot fine.

74AI Non-antecedent value of infringement notice offences

- (1) For the purposes of the *Crimes Act 1900*, section 429A, in sentencing an accused for any offence, a court shall not have regard to—
- (a) the alleged commission of any infringement notice offence; or
 - (b) the circumstances surrounding any infringement notice offence; or
 - (c) the investigation of any infringement notice offence, or any related action under this part.
- (2) In subsection (1):
- infringement notice offence*, in relation to an accused, means an alleged offence—
- (a) in relation to which an infringement notice has been served on the accused; and
 - (b) which has not been found proved by a court.

74AJ Service of notices

- (1) For the purposes of this part, a notice may be served on the person to whom it is directed—
- (a) by delivering the notice personally; or
 - (b) by sending the notice by post addressed to the person at the person's last-known place of residence or business; or
 - (c) by leaving the notice at the person's last-known place of residence or business with some other person who is apparently—
 - (i) over the age of 16 years; and
 - (ii) an occupant of the place, or employed at that place.
- (2) Nothing in this section prevents the service on a person of more than 1 infringement notice or final infringement notice in respect of the same alleged offence, but it is sufficient for the application of section 74AD to such a person for the person to pay the relevant amount in accordance with any of the notices so served.

- (3) Where an infringement notice is served on a child and the person serving the notice believes, on reasonable grounds, that the child is residing with a person who stands in loco parentis to that child, the person serving the notice shall serve a copy of the notice on that person.

74AK Evidence

- (1) For the purposes of this part, a document that purports to have been signed by the conservator shall be taken to have been so signed unless the contrary is proved.
- (2) In a prosecution for a schedule 1 offence, a certificate signed by the conservator stating any of the following matters is evidence of the matters so stated:
- (a) that a notice was served under this part on a specified person on a specified date;
 - (b) where an infringement notice or a final infringement notice has been served on a person under this part, that—
 - (i) further time for payment was, or was not, allowed under section 74AF (4) (b) or section 74AG; or
 - (ii) the notice was not withdrawn; or
 - (iii) the relevant amount was not paid in accordance with the notice within the relevant period for payment.

Part 13 Miscellaneous

75 Royalty

- (1) A licensee shall pay to the Territory royalty at the prescribed rate in relation to the sale or disposal of—
 - (a) native animals; or
 - (b) native plants; or
 - (c) native timber;taken or removed in accordance with the licence.
- (3) A rate of royalty prescribed for the purposes of this section may be expressed—
 - (a) as a flat rate in respect of each animal or plant; or
 - (b) as a proportion of the amount received by the licensee for the sale or disposal.
- (4) Different rates of royalty may be prescribed in relation to native timber depending on—
 - (a) the type of timber; and
 - (b) whether the land from which the timber was taken is—
 - (i) held under lease from the Commonwealth; or
 - (ii) occupied by a person in pursuance of a licence granted to him or her by the Territory or Commonwealth.
- (5) Royalty is not payable in respect of animals, plants or timber—
 - (a) that is included in a prescribed class; or
 - (b) that is taken in a prescribed part of the Territory; or
 - (c) that is taken during a prescribed period; or
 - (d) that is taken by a person included in a prescribed class of persons.

76 Certain provisions not to apply to conservation officers

Nothing in section 24, 25, 26, 27, 39, 42, 43, 45AB, 45AC, 55, 56 or 57 applies to or in relation to the conservator or a conservation officer acting in the performance of his or her duties as conservator or a conservation officer, as the case may be.

76A Act not to apply to certain appointed people

This Act does not apply in relation to a person appointed for the purposes of the *Electricity Safety Act 1971*, section 33 (Connecting electrical installations to network—inspections) in the exercise of his or her powers under that section as a person so appointed.

77 Power of entry and search

(1) In this section:

animal means—

- (a) an animal other than an exempt animal; or
- (b) a live fish.

plant means a native plant.

(2) For the purposes of this Act, a conservation officer may, at such times, and at such intervals, as are reasonable, enter land or premises on which any animal or plant is kept in accordance with a licence and—

- (a) search the land or premises; and
- (b) inspect the animal or plant; and
- (c) inspect the accounts, books, documents and other records relating to the animal or plant.

(3) A conservation officer may—

- (a) where he or she has reasonable grounds for suspecting that an animal or plant is on land or premises in contravention of this Act—at any reasonable time, enter the land or premises and carry out a search of the land or premises; and

- (b) where he or she has reasonable grounds for suspecting that an animal or plant is contained in a vehicle or vessel in contravention of this Act—
 - (i) stop and search the vehicle or vessel; or
 - (ii) stop the vehicle or vessel and require it to be taken to another place in the Territory where a search may conveniently be carried out.
- (4) Where a conservation officer, in pursuance of subsection (2) or (3), enters land or premises, stops a vehicle or vessel or requires a person to take the action referred to in subsection (3) (b) (ii), the conservation officer shall, if requested by the occupier or person in charge of the land or premises, or the person in charge of the vehicle or vessel, produce his or her identity card for inspection by that person, and if he or she fails to do so—
 - (a) where the conservation officer has entered land or premises—he or she is not authorised to remain on the land or premises; and
 - (b) where the conservation officer has stopped a vehicle or vessel—he or she is not authorised to search the vehicle or vessel; and
 - (c) where the conservation officer has required a person to take the action referred to in subsection (3) (b) (ii)—that person is not obliged to comply with the requirement.
- (5) A person shall not, without reasonable excuse—
 - (a) obstruct or hinder a conservation officer in the exercise of his or her powers under this section; or
 - (b) except where subsection (4) (c) applies—contravene a requirement made by a conservation officer under this section.

Maximum penalty (subsection (5)): 50 penalty units, imprisonment for 6 months or both.

78 Further powers of conservation officers

- (1) A conservation officer—

- (a) may require any person whom he or she finds committing, or whom he or she reasonably suspects of having committed, an offence against this Act to state the person's full name and usual place of residence; and
 - (b) if the person is in a reserved area—may require the person to leave the reserved area.
- (2) Where a conservation officer makes a requirement of a person under subsection (1), the conservation officer shall produce his or her identity card for inspection by that person and, if he or she fails to do so, that other person is not obliged to comply with the requirement.
- (3) Subject to subsection (2), a person shall not, without reasonable excuse, contravene a requirement made by a conservation officer under subsection (1).

Maximum penalty (subsection (3)): 50 penalty units.

78A Seizure and release of bird wildlife

- (1) Where—
- (a) a person is found by a conservation officer to be in possession of a bird that is a native animal, not being—
 - (i) a bird that is on premises occupied by the person; or
 - (ii) an exempt animal; and
 - (b) the conservation officer suspects on reasonable grounds that the bird is in the possession of the person in contravention of this Act; and
 - (c) the person does not, upon being requested to do so by the conservation officer, produce for inspection by the conservation officer a licence in accordance with which the person is entitled to have the bird in his or her possession; and
 - (d) the conservation officer believes on reasonable grounds that—
 - (i) the bird is suffering pain or is in a state of distress; or

- (ii) the keeping of the bird in captivity, or in captivity of the kind in which it is being kept by the person, is likely to endanger the life of, or cause distress or otherwise be harmful to, the bird;

the conservation officer may, subject to subsection (2), seize the bird and, if the conservation officer believes on reasonable grounds that the welfare of the bird can be best provided for by releasing the bird from captivity, he or she may release it.

- (2) A conservation officer is not entitled to seize a bird under subsection (1) if, on the request of the person in whose possession the bird is found, the conservation officer fails to produce his or her identity card for inspection by that person.

79 Seizure and forfeiture of animals and plants

- (1) In this section:

animal includes a live fish.

plant means a native plant.

- (2) A conservation officer may seize any animal, plant, substance or thing in connection with which he or she believes, on reasonable grounds, an offence against this Act has been committed.
- (3) Where—
 - (a) an animal, plant, substance or thing is seized under subsection (2); and
 - (b) a prosecution for an offence against this Act relating to the animal, plant, substance or thing is not instituted within 6 months of the seizure;

the animal, plant, substance or thing shall, upon the expiration of that period, be returned to the person from whom it was seized.

- (4) Where, in proceedings for an offence against this Act—
 - (a) the defendant is a person from whom an animal, plant, substance or thing has been seized under subsection (2); and

- (b) the court does not find the offence proved;
the animal, plant, substance or thing, as the case may be, shall be returned to the defendant.
- (5) Where, in proceedings for an offence against this Act, the court finds the offence proved, the court may declare that any animal or plant the subject of the offence, or any substance or thing used in or in connection with the commission of the offence, be forfeited to the Territory.
- (6) Where an animal, plant, substance or other thing is forfeited to the Territory by virtue of a declaration under subsection (5), it shall be destroyed or otherwise dealt with in such manner as the Minister directs.
- (7) This section has effect subject to section 80.

80 Release of animals—court orders

- (1) In this section:
animal includes a live fish.
- (2) Where the conservator is of the opinion that an animal seized under section 79 (2) is likely to die or suffer pain or be subjected to distress unless it is released from captivity, the conservator may apply to the Magistrates Court for an order that the animal be released from captivity.
- (3) An application under subsection (2) shall clearly state the reasons for seeking the order.
- (4) An application under subsection (2) shall only be made before a prosecution is initiated for an offence against this Act in relation to the relevant animal or during such a prosecution.
- (5) The court may, before determining an application under subsection (2), require notice of the application to be given to such persons as the court thinks fit.
- (6) On determining an application under subsection (1), the court—
- (a) may make an order that the animal be released from captivity; or
 - (b) dismiss the application.

- (7) Where the court makes an order for the release of an animal, it may give such directions relating to observations to be made, and records to be kept, in respect of the animal as the court thinks fit and the animal shall not be released until those directions have been complied with.
- (8) Where an animal is released from captivity in accordance with this section and—
- (a) a prosecution for an offence against this Act relating to the animal is not instituted; or
 - (b) where such a prosecution is instituted—the court does not find the offence proved;

there is due to the person from whom the animal was seized by the Territory such amount as is necessary to compensate the person for the loss suffered by the person as a result of the release of the animal.

80A Conduct of directors, servants and agents

- (1) Where, in proceedings for an offence, it is necessary to establish the state of mind of a body corporate in relation to particular conduct, it is sufficient to show—
- (a) that the conduct was engaged in by a director, servant or agent of the body corporate within the scope of his or her actual or apparent authority; and
 - (b) that the director, servant or agent had that state of mind.
- (2) Any conduct engaged in on behalf of a body corporate by a director, servant or agent of the body corporate within the scope of his or her actual or apparent authority shall be taken, for the purposes of a prosecution for an offence, to have been engaged in also by the body corporate unless the body corporate establishes that it took reasonable precautions and exercised due diligence to avoid the conduct.
- (3) Where, in proceedings for an offence, it is necessary to establish the state of mind of a person other than a body corporate in relation to particular conduct, it is sufficient to show—

- (a) that the conduct was engaged in by a servant or agent of the person within the scope of his or her actual or apparent authority; and
 - (b) that the servant or agent had that state of mind.
- (4) Any conduct engaged in on behalf of a person other than a body corporate by a servant or agent of the person within the scope of his or her actual or apparent authority shall be taken, for the purposes of a prosecution for an offence, to have been engaged in also by the firstmentioned person unless the firstmentioned person establishes that the firstmentioned person took reasonable precautions and exercised due diligence to avoid the conduct.
- (5) Where—
- (a) a person other than a body corporate is convicted of an offence; and
 - (b) the person would not have been convicted of the offence if subsections (3) and (4) had not been enacted;
- the person is not liable to be punished by imprisonment for that offence.
- (6) A reference in subsection (1) or (3) to the *state of mind* of a person includes a reference to—
- (a) the knowledge, intention, opinion, belief or purpose of the person; and
 - (b) the person's reasons for the intention, opinion, belief or purpose.
- (7) A reference in this section to a *director* of a body corporate includes a reference to a constituent member of a body corporate incorporated for a public purpose by a law of the Territory, the Commonwealth, another Territory or a State.
- (8) A reference in this section to *engaging* in conduct includes a reference to failing or refusing to engage in conduct.
- (9) In this section:
- offence* means an offence against this Act or the regulations.

80B Approval of forms

- (1) The conservator may approve forms for this Act.
- (2) If the conservator approves a form for a particular purpose, the approved form must be used for that purpose.

81 Evidence

- (1) In any proceedings for an offence against this Act, a certificate signed by the conservator stating—
 - (a) that the person specified in the certificate was, on the date or during the period specified in the certificate, the holder of a licence of the kind specified in the certificate; or
 - (b) that a licence of the kind specified in the certificate granted to the person specified in the certificate was granted subject to the conditions specified in the certificate;

is evidence of the matters so stated.

- (2) For the purposes of subsection (1), a document that purports to have been signed by the conservator shall be taken to have been so signed unless the contrary is proved.

83A Determination of fees

- (1) The Minister may determine fees for this Act.
- (2) A determination under this section is a disallowable instrument.

84 Regulation-making power

- (1) The Executive may make regulations for this Act.
- (2) The regulations may—
 - (a) provide for the imposition of fees to be charged for access to reserved areas; and
 - (b) create offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

- (3) In prescribing fees to be charged for access to a reserved area, the regulations may—
- (a) prescribe fees in respect of persons or vehicles, or persons and vehicles, entering a reserved area or a part of a reserved area; and
 - (b) prescribe different fees in respect of access to different reserved areas or different parts of a reserved area.
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Schedule 1 On-the-spot fines

(see s 74AA)

item	offence provision	on-the-spot fine
1	section 25 (1)—	
1.1	penalty paragraph (a)	\$500
1.2	penalty paragraph (b)	\$250
2	section 26 (1)—	
2.1	penalty paragraph (a)	\$500
2.2	penalty paragraph (b)	\$250
3	section 27 (1)—	
3.1	penalty paragraph (a)	\$500
3.2	penalty paragraph (b)	\$250
4	section 28 (1)—	
4.1	penalty paragraph (a)	\$500
4.2	penalty paragraph (b)	\$250
5	section 29 (1)—	
5.1	penalty paragraph (a)	\$500
5.2	penalty paragraph (b)	\$250
6	section 30 (1)—	
6.1	penalty paragraph (a)	\$500
6.2	penalty paragraph (b)	\$250
7	section 39 (1)—	
7.1	penalty paragraph (a)	\$500
7.2	penalty paragraph (b)	\$250
8	section 39 (2)	\$100
9	section 39 (3)	\$75
10	section 42 (1)—	
10.1	penalty paragraph (a)	\$500
10.2	penalty paragraph (b)	\$250
10.3	penalty paragraph (c)	\$150
11	section 43 (2)	\$75

Schedule 1 On-the-spot fines

item	offence provision	on-the-spot fine
12	section 44 (1)—	
12.1	penalty paragraph (a)	\$500
12.2	penalty paragraph (b)	\$250
13	section 45 (1)—	
13.1	penalty paragraph (a)	\$250
13.2	penalty paragraph (b)	\$150
14	section 53 (3)	\$100
15	section 54 (2)	\$75
16	section 55 (1)	\$75
17	section 55 (2)	\$75
18	section 56 (1)	\$75
19	section 56 (2) (b), (c) or (d)	\$150
20	section 56 (3)	\$150
21	section 57 (1)	\$75
22	section 59	\$100
23	section 70—	
23.1	penalty paragraph (a)	\$500
23.2	penalty paragraph (b)	\$250
24	section 71—	
24.1	penalty paragraph (a)	\$500
24.2	penalty paragraph (b)	\$250
25	section 72 (3)—	
25.1	penalty paragraph (a)	\$500
25.2	penalty paragraph (b)	\$250
26	section 73—	
26.1	penalty paragraph (a)	\$500
26.2	penalty paragraph (b)	\$250

Dictionary

(see s 2)

action plan means an instrument prepared under section 23C.

activities, for part 9 (Management agreements)—see section 60AA.

agency, for part 9 (Management agreements)—see section 60AA.

animal means any member, alive or dead, of the animal kingdom (other than humans, invertebrates, fish or imported animal products), and includes—

- (a) eggs or parts of eggs; and
- (b) the skin, feathers, horns, shell, or any part of the skin or shell, of an animal; and
- (c) any other part of an animal; and
- (d) a protected fish or a protected invertebrate.

built-up area—see the *Bushfire Act 1936*, section 3.

committee means the Flora and Fauna Committee established under section 15A.

conservation officer means a conservation officer under section 8.

conservator means the Conservator of Flora and Fauna under section 7.

controlled land, for part 9 (Management agreements)—see section 60AA.

controlled organism means an organism specified in a declaration under section 45AA (2).

determined fee means the fee determined under section 83A for the purposes of the provision in which the expression occurs.

development, for part 9 (Management agreements)—see section 60AA.

ecological community means a group of ecologically related species with shared habitat characteristics that—

- (a) may inhabit a particular place; and
- (b) may vary in composition within ecological limits; and
- (c) meet such additional criteria as may be prescribed.

endangered means—

- (a) in relation to a community—an ecological community that is in immediate danger of extinction unless the circumstances and factors threatening its distribution, composition and viability as an ecological unit cease; and
- (b) in relation to a species—
 - (i) its likely extinction unless the circumstances and factors threatening its abundance, survival or evolution cease; or
 - (ii) the reduction of its numbers or habitats to such a level that the species is in immediate danger of extinction.

exempt animal means an animal specified in a declaration under section 17 (1) (b).

final infringement notice, for part 12 (On-the-spot fines)—see section 74AA.

fish includes the eggs of fish.

habitat means an area—

- (a) in which an organism, or a group of organisms, lives; or
- (b) in which an organism, or a group of organisms, has lived and into which the organism or group has the potential to be reintroduced.

imported animal product means—

- (a) a product—
 - (i) made or derived from any part of an animal, including the eggs, skin, feathers, horns or shell, or any part of the eggs, skin or shell; and
 - (ii) lawfully processed, and obtained, outside the Territory; and

- (iii) imported into the Territory; or
- (b) a dead animal imported into the Territory.
- infringement notice***, for part 12 (On-the-spot fines)—see section 74AA.
- Land Act***, for part 9 (Management agreements)—see section 60AA.
- land management objectives***, for part 9 (Management agreements)—see section 60AA.
- licence*** means a licence granted under section 62.
- management agreement***, for part 9 (Management agreements)—see section 60AA.
- motor vehicle***—see the *Road Transport (General) Act 1999*, dictionary.
- native animal*** means—
- (a) an animal of a kind indigenous to Australia; or
- (b) an animal of a kind indigenous to the Australian coastal sea or the seabed and subsoil beneath that sea; or
- (c) an animal of a kind indigenous to the continental shelf of Australia or the superjacent waters; or
- (d) a migratory animal of a kind that periodically or occasionally visits Australia, the Australian coastal sea or the sea over the continental shelf of Australia; or
- (e) an animal of a kind introduced into Australia, directly or indirectly, by Aboriginals before the year 1788;
- other than a pest animal.
- native plant*** means—
- (a) a plant of a kind indigenous to Australia; or
- (b) a plant of a kind indigenous to the Australian coastal sea or the seabed and subsoil beneath that sea; or
- (c) a plant of a kind indigenous to the continental shelf of Australia or the superjacent waters; or

- (d) a plant of a kind introduced into Australia, directly or indirectly, by
Aboriginals before the year 1788;

other than a pest plant.

native timber means timber from a tree that is a native plant, whether
living or dead, including—

- (a) standing or fallen timber; and
(b) any material from such a tree;

but not including a tree seedling.

natural environment, for part 9 (Management agreements)—see section
60AA.

newspaper means a daily newspaper published and circulating in the
Territory.

on-the-spot fine, for part 12 (On-the-spot fines)—see section 74AA.

pest animal—see the *Land (Planning and Environment) Act 1991*,
section 4.

pest plant—see the *Land (Planning and Environment) Act 1991*, section
4.

plant means—

- (a) any member, alive or dead, of the plant kingdom or the fungus
kingdom; and
(b) any part of such a member; and
(c) seeds.

prohibited organism means an organism of a kind specified in a
declaration under section 45AA (1).

protected fish means a fish specified in a declaration under section 17
(1) (a).

protected invertebrate means an invertebrate specified in a declaration
under section 17 (1) (a).

protected native animal means a native animal of a kind specified in a declaration under section 17 (1) (d).

protected native plant means a native plant of a kind specified in a declaration under section 17 (1) (c).

public land, for part 9 (Management agreements)—see section 60AA.

relevant amount, for part 12 (On-the-spot fines)—see section 74AA.

relevant period for payment, for part 12 (On-the-spot fines)—see section 74AA.

reserved area means an area of public land reserved under the Territory plan as a wilderness area, national park or nature reserve.

schedule 1 offence, for part 12 (On-the-spot fines)—see section 74AA.

seed includes the fruit or spore of a plant.

sell includes—

- (a) offer for sale; and
- (b) expose for sale; and
- (c) barter (or offer or expose for barter); and
- (d) exchange (or offer or expose for exchange); and
- (e) supply for value (or offer or expose for supply for value); and
- (f) supply for free (or offer or expose for supply for free), to gain or maintain custom, or otherwise for commercial gain.

special protection status means the status declared by the conservator under section 16 in relation to the members of a species.

species means a group of native animals (including fish or invertebrates that are indigenous to the Territory) or native plants that—

- (a) interbreed to produce fertile offspring; or
 - (b) possess common characteristics derived from a common gene pool;
- and includes—

- (c) a subspecies; and
- (d) a distinct population of organisms prescribed as being a species; but does not include a prescribed species.

statutory authority means an authority established by or under a law of the Commonwealth or of the Territory.

subspecies means a geographically separate population of a species, being a population that is characterised by morphological or biological differences from other populations of that species.

take, in relation to a plant, includes—

- (a) gather, pluck, cut, pull up, dig up, remove or injure the plant; and
- (b) cause or permit the plant to be taken (within the extended meaning given by paragraph (a)).

threatening process, in relation to a species or ecological community, means a process that threatens, or may threaten, the survival, abundance or evolution of the species or community and includes the spreading of a pest animal or pest plant.

tree seedling means a tree that is not more than 2m high.

unleased land does not include—

- (a) land held in fee simple; or
- (b) land that is occupied by a person in pursuance of a licence granted to him or her by the Territory or Commonwealth.

vessel includes hovercraft.

vulnerable, in relation to a species, means a species that within the next 25 years is likely to become endangered unless the circumstances and factors threatening its abundance, survival or evolution cease.

wilderness area means an area of public land reserved under the Territory plan as a wilderness area.

working day means a day other than a Saturday, Sunday or public holiday.

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation (Republication) Act 1996*, section 13 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnotes.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

am = amended	p = page
amdt = amendment	par = paragraph
ch = chapter	pres = present
cl = clause	prev = previous
def = definition	(prev...) = previously
dict = dictionary	prov = provision
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = Gazette	reg = regulation/subregulation
hdg = heading	renum = renumbered
ins = inserted/added	reloc = relocated
lap = lapsed	R[X] = Republication No
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified	sch = schedule
No = number	sdiv = subdivision
notfd = notified	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	sp = spent
orig = original	

Endnotes

3 Legislation history

3 Legislation history

The *Nature Conservation Act 1980* was originally the *Nature Conservation Ordinance 1980*. It became an ACT Act on self-government (11 May 1989).

Legislation before self-government

Legislation	Year and number	Gazette notification	Commencement
Nature Conservation Ordinance 1980	1980 No 20	15 July 1980	5 June 1982 (see Gaz 1982 No S110)
Commonwealth Functions Statutes Review Act 1981	1981 No 74 (Cwlth)	18 June 1981 (assent)	ss 76-79: 5 June 1982 (see Gaz 1982 No S110)
Nature Conservation (Amendment) Ordinance 1982	1982 No 22	4 June 1982	5 June 1982 (see Gaz 1982 No S110 p 2)
Nature Conservation (Amendment) Ordinance (No 2) 1982	1982 No 62	18 Aug 1982	1 Dec 1982 (see Gaz 1982 No S252 p 2)
Nature Conservation (Amendment) Ordinance 1983	1983 No 43	29 Sept 1983	1 Oct 1983
Nature Conservation (Amendment) Ordinance 1984	1984 No 72	5 Dec 1984	5 Dec 1984
Magistrates Court Ordinance 1985	1985 No 67	19 Dec 1985	1 Feb 1986 (see s 2 and Gaz 1986 No 63 p 265)
Nature Conservation (Amendment) Ordinance 1986	1986 No 65	23 Oct 1986	23 Oct 1986
Nature Conservation (Amendment) Ordinance 1987	1987 No 1	30 Jan 1987	30 Jan 1987
Electricity and Water (Consequential Amendments) Ordinance 1988	1988 No 31	30 June 1988	1 July 1988
Interim Territory Planning Ordinance 1988	1988 No 88	21 Dec 1988	ss 1 and 2: 21 Dec 1988 remainder: 31 Jan 1989 (see Gaz 1989 No S38)
Self-Government (Consequential Amendments) Ordinance 1989	1989 No 38	10 May 1989	ss 1 and 2: 10 May 1989 remainder: 11 May 1989 (see s 2 (2) and Gaz 1989 No S164)

Endnotes

3 Legislation history

Legislation after self-government

Nature Conservation (Amendment) Act 1989	1989 No 4	10 July 1989	10 July 1989
Nature Conservation (Amendment) Act 1990	1990 No 43	7 Nov 1990	7 Nov 1990
Interim Planning (Consequential Amendments) Act 1990	1990 No 60	24 Dec 1990	s 3: 12 Mar 1991 (see Cwlth Gaz 1991 No S62) remainder: 24 Dec 1990
Land (Planning and Environment) (Consequential Provisions) Act 1991	1991 No 118	15 Jan 1992	ss 1 and 2: 15 Jan 1992 ss 3-8, 17-27 and 32-44: 2 Apr 1992 (see Gaz 1992 No 13 p 478) remainder: 15 July 1992
Acts Revision (Position of Crown) Act 1993	1993 No 44	27 Aug 1993	27 Aug 1993 (see s 2)
Bushfire (Amendment) Act 1993	1993 No 74	22 Oct 1993	22 Oct 1993
Nature Conservation (Amendment) Act 1994	1994 No 56	5 Oct 1994	ss 1 and 2: 5 Oct 1994 remainder: 11 Oct 1994 (see Gaz 1994 No S222)
Administrative Appeals (Consequential Amendments) Act 1994	1994 No 60	11 Oct 1994	ss 1 and 2: 11 Oct 1994 remainder: 14 Nov 1994 (see s 2 (2) and Gaz 1994 No S250)
Statute Law Revision (Penalties) Act 1994	1994 No 81	29 Nov 1994	ss 1 and 2: 29 Nov 1994 remainder: 29 Nov 1994 (see Gaz 1994 No S269 p 2)
Statutory Offices (Miscellaneous Provisions) Act 1994	1994 No 97	15 Dec 1994	ss 1 and 2: 15 Dec 1994 remainder: 15 Dec 1994 (see Gaz 1994 No S293)

Legislation	Year and number	Gazette notification	Commencement
Nature Conservation (Amendment) Act (No 2) 1994	1994 No 110	22 Dec 1994	ss 1 and 2: 22 Dec 1994 ss 3-6, 8, 10-19, 21, 22, 25, 26, 28 and 29: 8 Feb 1995 (see Gaz 1995 No S41) remainder: 22 June 1995
Annual Reports (Government Agencies) (Consequential Provisions) Act 1995	1995 No 25	5 Sept 1995	5 Sept 1995
Nature Conservation (Amendment) Act 1995	1995 No 30	3 Oct 1995	ss 1-3: 3 Oct 1995 remainder: 16 Oct 1995 (see Gaz 1995 No S260)
Statute Law Revision Act 1995	1995 No 46	18 Dec 1995	18 Dec 1995
Land (Planning and Environment) (Amendment) Act 1997	1997 No 7	22 Apr 1997	ss 1-3: 22 Apr 1997 remainder: 24 June 1997 (see s 2 (2))
Remuneration Tribunal (Consequential Amendments) Act 1997	1997 No 41	19 Sept 1997	ss 1 and 2: 19 Sept 1997 remainder: 23 Sept 1997 (see Gaz 1997 No S280)
Environment Protection (Consequential Provisions) Act 1997	1997 No 93	1 Dec 1997	ss 1 and 2: 1 Dec 1997 remainder: 1 June 1998
Statute Law Revision (Penalties) Act 1998	1998 No 54	27 Nov 1998	ss 1 and 2: 27 Nov 1998 remainder: 9 Dec 1998 (see Gaz 1998 No 49 p 1078)
Road Transport Legislation Amendment Act 1999	1999 No 79	23 Dec 1999	1 Mar 2000 (see s 2 and Gaz 2000 No S5)
Fisheries Act 2000	2000 No 38	20 July 2000	ss 1 and 2: 20 July 2000 remainder: 13 Sept 2000 (see Gaz 2000 No 35 p 921)

Endnotes

4 Amendment history

Legislation	Year and number	Gazette notification	Commencement
Utilities (Consequential Provisions) Act 2000	2000 No 66	20 Dec 2000	ss 1 and 2: 20 Dec 2000 remainder: 1 Jan 2001 (see Gaz 2000 No S69 p 3)
Statute Law Amendment Act 2001	2001 No 11	29 March 2001	29 March 2001 (see Gaz 2001 No 13)

4 Amendment history

title	am 1994 No 110
ss 1-3	sub 2001 No 11 amdt 3.130
s 4	om 1993 No 44
s 5	am 1981 No 74 (Cwlth); 1989 No 38; 1989 No 4; 1991 No 118; 1994 Nos 56, 60, 97 and 110; 1997 No 7; 1999 No 79 s 5 sch 3; 2001 No 11 amdts 1.8, 3.131 remaining defs reloc 2001 No 11 amdt 3.132 om R6 (LRA)
s 6	am 1993 No 74
s 6A	ins 1997 No 93
pt 2 hdg	(prev pt IA hdg) ins 1994 No 56 renum R6 LRA (see 2001 No 11 amdt 3.188)
div 2.1 hdg	(prev pt IA div 1 hdg) renum R6 LRA (see 2001 No 11 amdt 3.188)
s 7, s 8	am 1994 No 56 sub 1994 No 97 am 2001 No 11 amdt 3.133
s 9	am 1994 No 56 sub 1994 No 97 am 1998 No 54; 2001 No 11 amdt 3.134
s 10	am 1981 No 74 (Cwlth); 1994 No 56 om 1994 No 97
s 11	am 1994 No 56 om 1994 No 97
s 12	am 1994 No 56; 1994 No 81 om 1994 No 97
s 13	am 1982 No 22; 1994 No 56
s 14	am 1994 No 56 sub 1994 No 97
s 15	am 1991 No 118; 1994 Nos 56 and 97; 2001 No 11 amdt 3.135

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- div 2.2 hdg.....(prev pt IA div 2 hdg) ins 1994 No 56
renum R6 LRA (see 2001 No 11 amdt 3.188)
- sdiv 2.2.1 hdg.....(prev pt IA div 2 sdiv A hdg) renum R6 LRA
- s 15A, s 15B.....ins 1994 No 56
- s 15C.....ins 1994 No 56
am 1995 No 25
- s 15D.....ins 1994 No 56
- sdiv 2.2.2 hdg.....(prev pt IA div 2 sdiv B hdg) renum R6 LRA
- s 15E.....ins 1994 No 56
am 2001 No 11 amdt 3.136
- s 15F.....ins 1994 No 56
- s 15G.....ins 1994 No 56
sub 2001 No 11 amdt 3.137
- s 15H.....ins 1994 No 56
om 1997 No 41
- s 15J, s 15K.....ins 1994 No 56
- s 15L.....ins 1994 No 56
om 2001 No 11 amdt 3.138
- s 15M.....ins 1994 No 56
am 2001 No 11 amdt 3.139
- s 15N.....ins 1994 No 56
om 2001 No 11 amdt 3.140
- ss 15P-15R.....ins 1994 No 56
- pt 3 hdg.....orig pt 2 hdg om 1981 No 74 (Cwlth)
(prev pt 2 hdg) ins 1994 No 56
sub 2001 No 11 amdt 3.141
renum R6 LRA (see 2001 No 11 amdt 3.188)
- div 3.1 hdg.....(prev pt 2 div 1 hdg) ins 1994 No 56
renum R6 LRA (see 2001 No 11 amdt 3.188)
- s 15S.....ins 1994 No 56
am 2001 No 11 amdt 3.142
- ss 15T-15Y.....ins 1994 No 56
- s 15Z.....ins 1994 No 56
am 2001 No 11 amdt 3.143
- div 3.2 hdg.....orig pt 2 div 2 hdg ins 1994 No 56
sub and renum as div 2.2 hdg 2001 No 11 amdt 3.144
renum R6 LRA (see 2001 No 11 amdt 3.188)
- s 16.....om 1981 No 74 (Cwlth)
ins 1989 No 4
am 1994 Nos 56 and 110
- s 17.....om 1981 No 74 (Cwlth)

Endnotes

4 Amendment history

- ins 1989 No 4
am 1994 No 110
- div 3.3 hdg.....(prev pt 2 div 3 hdg) ins 1994 No 56
renum R6 LRA (see 2001 No 11 amdt 3.188)
- sdiv 3.3.1.....(prev pt 2 div 3 sdiv A) renum R6 LRA
- s 18om 1981 No 74 (Cwlth)
ins 1989 No 4
sub 1994 No 56
- s 19, s 20.....om 1981 No 74 (Cwlth)
ins 1994 No 56
- sdiv 3.3.2 hdg.....(prev pt 2 div 3 sdiv B) renum R6 LRA
- s 21om 1981 No 74 (Cwlth)
ins 1994 No 56
- s 22om 1981 No 74 (Cwlth)
ins 1994 No 56
- div 3.4 hdg.....(prev pt 2 div 4) ins 1994 No 56
renum R6 LRA (see 2001 No 11 amdt 3.188)
- s 23om 1981 No 74 (Cwlth)
ins 1994 No 56
am 2001 No 11 amdt 3.145
- ss 23A-23Dins 1994 No 56
- div 3.5 hdg.....(prev pt 2 div 5 hdg) ins 1994 No 56
renum R6 LRA (see 2001 No 11 amdt 3.188)
- s 23Eins 1994 No 56
am 2001 No 11 amdt 3.146
- s 24om 1981 No 74 (Cwlth)
- pt 4 hdg(prev pt 3 hdg) am 1989 No 4
renum R6 LRA (see 2001 No 11 amdt 3.188)
- pt 4 (prev pt 3) div 1 .om 1989 No 4
hdg
- s 24ins 1989 No 4
am 1994 Nos 81 and 110
- s 25 hdgsub 2001 No 11 amdt 1.9
- s 25am 1989 No 4; 1994 No 81; 1994 No 110
- s 26 hdgsub 2001 No 11 amdt 1.10
- s 26am 1989 No 4; 1994 No 81; 1994 No 110; 2001 No 11 amdt 3.147
- s 26A.....ins 1994 No 110
am 1998 No 54
om 2000 No 38 s 121 sch
- s 27am 1982 No 22; 1989 No 4; 1994 No 81; 1994 No 110; 2001 No
11 amdt 3.148

- s 28, s 29.....am 1989 No 4; 1994 No 81; 1994 No 110
- s 30am 1989 No 4; 1994 No 81; 1994 No 110
om 2000 No 38 s 121 sch
- pt 3 (now pt 4) div 1..om 1989 No 4
hdg
- ss 31-34om 1989 No 4
- pt 4 (prev pt 3) div 3 .om 1989 No 4
- s 35om 1989 No 4
- s 36, s 37.....am 1989 No 4; 1994 No 81
om 1994 No 110
- s 38am 1989 No 4
om 1994 No 110
- s 39 hdgam 2000 No 38 s 121 sch
- s 39am 1989 No 4; 1994 No 81; 1994 No 110; 1998 No 54; 2000 No
38 s 121 sch; 2001 No 11 amdts 3.149-3.152
- s 40 hdgsub 2001 No 11 amdt 1.11
- s 40am 1994 No 110
- s 41am 1982 No 22
om 1989 No 4
- pt 5 hdg(prev pt 4 hdg) renum R6 LRA (see 2001 No 11 amdt 3.188)
- s 42am 1989 No 38; 1989 No 4; 1994 No 81; 1994 No 110; 2001 No
11 amdt 3.153
- s 43am 1984 No 72; 1985 No 67; 1989 No 38; 1989 No 4; 1993 No 74;
1994 No 81; 1994 No 110; 1995 No 30; 2001 No 11 amdts 3.153-
3.155
- s 44am 1989 No 4; 1994 No 81; 1994 No 110
- s 45am 1989 No 4; 1994 No 81; 1994 No 110; 2001 No 11 amdt 3.156
- pt 6 hdg(prev pt 4A hdg) ins 1994 No 110
renum R6 LRA (see 2001 No 11 amdt 3.188)
- s 45AAins 1994 No 110
am 2001 No 11 amdt 3.157
- s 45AB, s 45AC.....ins 1994 No 110
am 1998 No 54
- pt 7 hdg(prev pt 5 hdg) am 1994 No 110
renum R6 LRA (see 2001 No 11 amdt 3.188)
- s 45A hdg.....sub 2001 No 11 amdt 3.158
- s 45A.....ins 1989 No 4
am 1994 No 110
- s 46am 1989 No 38; 1989 No 4; 1994 No 56; 1994 No 110
- s 47am 1989 No 4

Endnotes

4 Amendment history

- sub 1994 No 110
am 1998 No 54
- s 48 am 1982 No 22; 1989 No 4; 1994 No 81
om 1994 No 110
- s 49 am 1982 No 22; 1989 No 4; 1994 No 110; 2001 No 11 amdts
3.159, 3.160
- s 50 am 1989 No 4
sub 1994 No 110
am 2001 No 11 amdt 3.161, amdt 3.162
- pt 8 hdg (prev pt 6 hdg) am 1991 No 118
renum R6 LRA (see 2001 No 11 amdt 3.188)
- pt 6 (now pt 8) div 1..ins 1986 No 65
hdg om 1991 No 118
div 8.1 hdg (prev pt 6 div 2 hdg) ins 1986 No 65
renum R6 LRA (see 2001 No 11 amdt 3.188)
- s 51 am 1987 No 1; 1989 No 38
om 1991 No 118
- s 52 am 1982 No 22; 1987 No 1; 1989 No 38
om 1991 No 118
- s 52A.....ins 1986 No 65
om 1989 No 38
- s 52B.....ins 1986 No 65
om 1991 No 118
- s 52C.....ins 1986 No 65
am 1988 No 88; 1990 No 60
om 1991 No 118
- s 52D.....ins 1986 No 65
om 1991 No 118
- s 52E.....ins 1986 No 65
sub 1987 No 1
om 1991 No 118
- ss 52F-52H.....ins 1986 No 65
sub 1987 No 1
am 1989 No 38
om 1991 No 118
- s 52Iins 1987 No 1
om 1991 No 118
- s 52Jins 1986 No 65
om 1991 No 118
- s 53 am 1982 No 22; 1989 No 4; 1994 No 81
- s 53A.....ins 1994 No 110
am 1998 No 54
- s 54, s 55..... am 1989 No 4; 1994 No 81

- s 56am 1989 No 4; 1991 No 118; 1994 No 81; 1994 No 110; 1997 No 7; 2001 No 11 amdts 3.163, 3.164
- s 57am 1989 No 4; 1994 Nos 81 and 110; 1997 No 7
- s 58am 1989 No 4; 1994 Nos 81, 97 and 110
- s 59am 1989 No 4; 1990 No 43; 1991 No 118; 1994 Nos 81 and 110
- s 60am 1985 No 67; 1989 No 38; 1991 No 118
- s 60A.....ins 1990 No 43
am 1991 No 118; 1994 No 110
- pt 9 hdg(prev pt 6A hdg) ins 1994 No 110
renum R6 LRA (see 2001 No 11 amdt 3.188)
- s 60AA hdg.....sub 2001 No 11 amdt 3.165
- s 60AAins 1994 No 110
am 2001 No 11 amdt 3.166
- s 60ABins 1994 No 110
am 2001 No 11 amdt 3.167
- ss 60AC-60AE.....ins 1994 No 110
- pt 10 hdgorig pt 10 hdg om 1989 No 4
(prev pt 7 hdg) am 1994 No 110
renum R6 LRA (see 2001 No 11 amdt 3.188)
- s 61am 1989 No 38; 1989 No 4; 1990 No 43; 1991 No 118; 2001 No 11 amdt 3.168
sub 1994 No 110
- s 62am 1990 No 43; 1991 No 118; 1994 No 56
sub 1994 No 110
- s 62A.....ins 1990 No 43
am 1991 No 118; 1994 No 56
om 1994 No 110
- s 63am 1983 No 43; 1989 No 38; 1991 No 118; 1994 No 56
sub 1994 No 110
- s 63A.....ins 1989 No 4
am 1994 No 56
om 1994 No 110
- s 64sub 1994 No 110
am 2001 No 11 amdt 3.169
- s 65am 1989 No 4; 1990 No 43; 1991 No 118
sub 1994 No 110
- s 66am 1989 No 4
sub 1994 No 110
- s 67am 1989 No 38; 1994 No 110
- s 68om 1994 No 110
- s 69am 1994 No 110

Endnotes

4 Amendment history

- ss 70-73am 1989 No 4; 1994 Nos 81 and 110
- pt 11 hdg(prev pt 8 hdg) renum R6 LRA (see 2001 No 11 amdt 3.188)
- s 74am 1982 No 22; 1994 Nos 56 and 60
sub 1994 No 110
am 1995 No 30
- s 74A.....ins 1989 No 4
am 1994 Nos 60 and 110
- pt 12 hdg(prev pt 8A hdg) ins 1994 No 110
renum R6 LRA (see 2001 No 11 amdt 3.188)
- s 74AA hdg.....sub 2001 No 11 amdt 3.170
- s 74AAins 1994 No 110
am 2001 No 11 amdts 3.171, 3.172
- s 74ABins 1994 No 110
am 2001 No 11 amdt 3.173, amdt 3.174
- s 74ACins 1994 No 110
am 2001 No 11 amdt 3.174
- s 74AD, s 74AE.....ins 1994 No 110
am 2001 No 11 amdt 3.175
- s 74AF.....ins 1994 No 110
- s 74AG, s 74AHins 1994 No 110
am 2001 No 11 amdt 3.175
- s 74AI, s 74AJins 1994 No 110
- s 74AKins 1994 No 110
am 2001 No 11 amdt 3.175
- pt 13 hdg(prev pt 9 hdg) renum R6 LRA (see 2001 No 11 amdt 3.188)
- s 75am 1989 No 38; 1994 Nos 56 and 110
- s 76am 1989 No 4; 1994 No 110
- s 76A.....ins 1982 No 62
am 1988 No 31; 1994 No 56
sub 2000 No 66 sch 1 pt 10
- s 77am 1982 No 22; 1989 No 4; 1994 Nos 81, 97 and 110; 2001 No
11 amdt 3.176
- s 78am 1989 No 4; 1994 No 81
- s 78A.....ins 1989 No 4
am 1994 Nos 97 and 110
- s 79am 1982 No 22; 1989 No 38; 1989 No 4; 1994 No 110
- s 80am 1985 No 67; 1989 No 38; 1994 No 110; 2001 No 11 amdt
3.177, amdt 3.178
- s 80A.....ins 1989 No 4
- s 80B.....ins 1989 No 4

	sub 2001 No 11 amdt 3.179
s 81	am 1994 No 110
s 82	om 1994 No 110
s 83	am 1994 No 56 om 1995 No 25
s 83A.....	ins 1983 No 43 sub 2001 No 11 amdt 3.180
s 84 hdg	sub 2001 No 11 amdt 3.181
s 84	am 1989 No 38; 1989 No 4; 1994 No 81; 1995 No 46; 2001 No 11 amdt 3.182, amdt 3.183
s 85	om 1989 No 4
sch 1	orig sch 1 om 2001 No 11 amdt 3.184 (prev sch 2) am 1982 No 22 om 1989 No 4 ins 1994 No 110 am 2001 No 11 amdt 3.185 renum 2001 No 11 amdt 3.186
schs 3, 4.....	om 1989 No 4
schs 5, 6.....	sub 1982 No 22 om 1989 No 4
dict	ins 2001 No 11 amdt 3.187

5 Earlier republications

Republication No	Amendments to	Republication date
(1)	Act 1990 No 60	30 June 1991
(2)	Act 1993 No 74	31 January 1994
(3)	Act 1994 No 110	30 June 1995
(4)	Act 1995 No 46	30 November 1996
(5)	Act 1997 No 93	1 June 1998
6	Act 2001 No 11	18 July 2001

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