



ANNO TRICESIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1987

No. 94 of 1987

An Act to amend the National Parks and Wildlife Act, 1972.

[Assented to 17 December 1987]

The Parliament of South Australia enacts as follows:

- Short title. 1. (1) This Act may be cited as the "National Parks and Wildlife Act Amendment Act, 1987".
- (2) The National Parks and Wildlife Act, 1972, is in this Act referred to as "the principal Act".
- Commencement. 2. (1) This Act will come into operation on a day to be fixed by proclamation.
- (2) The Governor may, in a proclamation fixing a day for this Act to come into operation, suspend the operation of specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.
- Amendment of s. 5—
Interpretation. 3. Section 5 of the principal Act is amended—
- (a) by inserting immediately before the definition of "animal" the following definition:
- "aircraft" includes a glider or balloon capable of carrying a person;;
- (b) by striking out the definition of "carcass" and substituting the following definition:
- "carcass" of an animal means the whole or any part of—
- (a) the flesh or internal organs of the animal;
- (b) the feathers, wool, hair, skin or hide of the animal;
- or
- (c) the bones, horns or hooves of the animal;;
- (c) by inserting after the definition of "egg" the following definition:
- "endangered species" means a species of animal or plant referred to in schedule 7;;

- (d) by inserting after the definition of “land under the jurisdiction of the Minister of Marine” the following definitions:

“mining production tenement” means—

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

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

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

- (e) by striking out the definition of “plant” and substituting the following definitions:

“plant” means vegetation of any species including—

- (a) its flowers;
 - (b) its seeds;
- or
- (c) any other part of the vegetation:

“premises” includes vacant land;:

- (f) by striking out from paragraph (c) of the definition of “protected animal” “the eighth or ninth schedule” and substituting “schedule 7, 8 or 9”;

- (g) by striking out the definitions of “protected native plant”, “protected wildflower” and “rare species” and substituting the following definitions:

“public road” means a road—

- (a) to which the public has access;
- and
- (b) which is under the control of the Commissioner of Highways or a council constituted under the Local Government Act, 1934:

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

- (h) by striking out the definition of “reserve” and substituting the following definition:

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

(i) by striking out paragraph (b) of the definition of “take” and substituting the following paragraph:

(b) with reference to a plant means—

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

or

(ii) to damage the plant;;

(j) by inserting after the definition of “take” the following definition:

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

(k) by striking out the definition of “the Department” and substituting the following definition:

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

(l) by striking out “under this Act” from the definition of “the Director”;

(m) by striking out the definition of “the Minister”;

(n) by striking out the definition of “the Permanent Head”;

(o) by striking out the definition of “threatened species”;

(p) by inserting after the definition of “to hunt” the following definitions:

“vehicle” includes—

(a) a caravan or trailer;

(b) an aircraft;

(c) a ship, boat or vessel:

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

and

(q) by striking out the definition of “wildflower”.

Amendment of heading.

4. The heading immediately preceding section 6 of the principal Act is amended by striking out the item:

DIVISION I—THE MINISTER, DIRECTOR AND OFFICERS OF THE
DEPARTMENT

and substituting the item:

DIVISION I—GENERAL ADMINISTRATIVE POWERS

Repeal of s. 12 and substitution of new section.

5. Section 12 of the principal Act is repealed and the following section is substituted:

Delegation.

12. (1) The Minister may delegate to the Chief Executive Officer, the Director or any other person any of the Minister’s powers under this Act.

(2) The Chief Executive Officer may, with the Minister's consent, delegate to the Director or any other person any of the powers delegated to the Chief Executive Officer.

(3) The Director may, with the consent of the person who has delegated powers to the Director under this section, delegate any of those powers to another person.

(4) A delegation under this section may be expressed as a delegation to the person from time to time holding, or performing the duties of, a specified position in the Public Service of the State.

(5) A delegation under this section may be revoked at will by the delegator and does not prevent the exercise of any power by the delegator.

6. Sections 13 and 14 of the principal Act are repealed and the following sections are substituted:

Repeal of ss. 13 and 14.

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

Assessment of schedules to be included in the report.

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

Minister of Mines and Energy not to administer this Act.

7. Section 19 of the principal Act is amended by striking out paragraph (c) and substituting the following paragraph:

Amendment of s. 19—
Functions of the Committee.

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

8. Section 20 of the principal Act is amended—

Amendment of s. 20—
Appointment of wardens.

(a) by inserting after "person" in subsection (1) "who has prescribed qualifications";

and

(b) by inserting after subsection (5) the following subsection:

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

9. Section 21 of the principal Act is repealed and the following section is substituted:

Repeal of s. 21 and substitution of new section.

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

Assistance to warden.

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

10. Section 22 of the principal Act is repealed and the following section is substituted:

Repeal of s. 22 and substitution of new section.

Powers of entry
and search.

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

- (a) enter and search any premises or vehicle connected with the suspected offence;
- (b) give directions to a person in, or in charge of, a vehicle to facilitate a search of the vehicle (including directions to stop the vehicle or to move it to a particular place);
- (c) require the person suspected of having committed the offence to state his or her full name and usual place of residence;
- (d) if the suspect is on a reserve—order him or her off the reserve for a stated period (not exceeding 24 hours).

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

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

(4) A warden may—

(a) enter and inspect premises—

(i) on which a protected animal is kept;

or

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

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

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

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

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

or

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

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

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

Penalty: \$1 000.

11. Section 23 of the principal Act is repealed and the following section is substituted:

Repeal of s. 23
and substitution
of new section.

Forfeiture.

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

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

or

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

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

or

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

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

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

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

(a) if proceedings for an offence against this Act are not commenced against the owner of the object within 3 months of the date of seizure, the object must be returned to the owner;

(b) if proceedings for an offence against this Act are commenced against the owner within 3 months of the date of seizure and the owner is, in the course of those proceedings, convicted of such an offence—

- (i) the court may order that the object be forfeited to the Crown;

and

- (ii) where the object is an animal, carcass, egg or plant and the prosecutor applies for its forfeiture— the court must order that the object be forfeited to the Crown;

(c) if the owner is not convicted or the court does not make an order for forfeiture, the object must be returned to the owner;

(d) an object forfeited to the Crown may be sold or disposed of as the Minister thinks fit and the proceeds of sale must be paid into the Wildlife Conservation Fund.

(5) Notwithstanding subsection (4)—

(a) where a living animal is seized under this section, a warden may release it from captivity;

(b) if the Minister is unable, after reasonable inquiry, to ascertain the whereabouts of a person to whom an object is

to be returned under subsection (4), the object may be sold or disposed of as the Minister thinks fit and, if sold, the proceeds of sale must be paid into the Wildlife Conservation Fund.

(6) In this section—

“convicted” includes found guilty without a conviction being recorded:

“object” includes—

- (a) an animal, carcass or egg;
- (b) a plant;
- (c) a vehicle;
- (d) a cage or container;
- (e) a firearm or device;
- (f) a poison or other substance;
- (g) a document or record:

“owner” in relation to an object seized under this section means either or both of the following persons:

- (a) a person who has legal title to the object;
- (b) a person who was, immediately before seizure of the object, legally in possession or control of the object.

Repeal of s. 24
and substitution
of new section.

12. Section 24 of the principal Act is repealed and the following section is substituted:

Hindering of
wardens, etc.

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

Penalty: \$2 500.

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

Penalty: \$2 500.

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

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

Repeal of s. 25
and substitution
of new section.

13. Section 25 of the principal Act is repealed and the following section is substituted:

Power of arrest.

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

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

or

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

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

14. The following section is inserted in Part II of the principal Act after section 26:

Insertion of new s. 26a.

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

Immunity from personal liability.

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

15. Section 31 of the principal Act is amended by striking out subsection (4) and substituting the following subsection:

Amendment of s. 31—
Constitution of game reserves by statute.

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

16. The following Division is inserted after Division IV of Part III of the principal Act:

Insertion of new Division IVA into Part III.

DIVISION IVA—REGIONAL RESERVES

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

Constitution of regional reserves by proclamation.

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

and

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

(2) The Governor may, by subsequent proclamation—

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

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

or

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

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

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

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

(a) prepare a report—

(i) assessing the impact of the utilization of natural resources on the conservation of the wildlife and the natural and historic features of the reserve;

(ii) assessing the impact, or the potential impact, of the utilization of the natural resources of the reserve on the economy of the State;

and

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

and

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

Amendment of
s. 36—
Management of
reserves.

17. Section 36 of the principal Act is amended by striking out subsection (2) and substituting the following subsection:

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

Amendment of
s. 37—
Objectives of
management.

18. Section 37 of the principal Act is amended—

(a) by striking out “Permanent Head” and substituting “Chief Executive Officer”;

(b) by inserting after “prevention” in paragraph (g) “and suppression”;

and

(c) by striking out “and” between paragraphs (h) and (i) and inserting the following word and paragraph after paragraph (i):

and

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

Amendment of
s. 38—
Management
plans.

19. Section 38 of the principal Act is amended by striking out from subsection (6) “one month” and substituting “two months”.

Amendment of
s. 40—
Implementation
of management
plan.

20. Section 40 of the principal Act is amended—

(a) by striking out “Where” and substituting “Subject to subsection (2), where”;

and

(b) by inserting after its present contents as amended by this section (now to be designated as subsection (1)) the following subsection:

(2) Where a mining tenement has been granted in relation to land that is, or has become, a regional reserve, the

management of the reserve is subject to the exercise by the holder of the tenement of rights under the tenement.

21. The following section is inserted in Division V of Part III after section 40 of the principal Act:

Insertion of new s. 40a.

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

Agreement as to conditions.

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

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

22. Section 41 of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

Amendment of s. 41—
Approval of proposal for constitution of reserve.

(1) The Minister must—

- (a) submit any proposal to constitute, or alter the boundaries of, a reserve to the Minister of Lands for approval;
- (b) submit any such proposal to the Minister of Mines and Energy and consider the views of that Minister in relation to the proposal.

23. The following section is inserted after section 41 of the principal Act:

Insertion of new s. 41a.

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

Alteration of boundaries of reserves.

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

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

and

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

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

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

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

or

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

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

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

Amendment of
s. 43—
Rights of
prospecting and
mining.

24. Section 43 of the principal Act is amended—

(a) by striking out from subsection (1) “the Mining Act, or the Petroleum Act” and substituting “the Mining Act, 1971, the Petroleum Act, 1940, or the Petroleum (Submerged Lands) Act, 1982,”;

(b) by inserting after subsection (1) the following subsection:

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

(c) by striking out from subsection (2) “a reserve, or portion of a reserve, and specified in the proclamation” and substituting “a reserve or portion of a reserve, to which subsection (1) applies”;

and

(d) by inserting after subsection (2) the following subsection:

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

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

Insertion of new
ss. 43a and 43b.

25. The following sections are inserted in Division VI of Part III after section 43 of the principal Act:

Prospecting and
mining in
regional reserves.

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

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

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

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

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

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

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

Entry onto reserves for purpose of investigation and survey.

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

26. Section 44 of the principal Act is amended by inserting after subsection (2) the following subsection:

Amendment of s. 44—
Establishment of sanctuaries.

(3) In this section—

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

27. Section 45 of the principal Act is repealed and the following section is substituted:

Repeal of s. 45 and substitution of new section.

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

Protection of animals and plants in sanctuary.

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

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

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

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

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

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

28. The heading immediately preceding section 46 of the principal Act is amended by striking out the words “AND WILDFLOWERS”.

Amendment of heading.

Amendment of
s. 46—
Application of
this Part.

29. Section 46 of the principal Act is amended by striking out “wild-lower or” from paragraphs (b) and (c) of subsection (2).

Repeal of s. 47
and substitution
of new section.

30. Section 47 of the principal Act is repealed and the following sections substituted:

Unlawful taking
of native plants.

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

- (a) on any reserve;
- (b) on any other Crown land;
- (c) on any land reserved for or dedicated to public purposes;
- or
- (d) on any forest reserve.

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

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

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

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

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

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

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

Penalty: \$1 000.

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

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

- (a) was neither intentional nor negligent;
- or
- (b) was done in pursuance of some statutory authority.

Repeal of s. 48
and substitution
of new section.

31. Section 48 of the principal Act is repealed and the following section substituted:

Unlawful disposal
of native plants.

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

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

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

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

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

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

32. The following section is inserted after section 48 of the principal Act:

Insertion of new s. 48a.

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

Illegal possession of native plant.

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

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

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

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

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

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

33. Section 49 of the principal Act is repealed and the following section is substituted:

Repeal of s. 49 and substitution of new section.

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

Permits.

(a) the taking of native plants;

or

(b) the sale or gift of native plants,

subject to the conditions of the permit.

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

34. Section 51 of the principal Act is amended by striking out subsections (1) and (1a) and substituting the following subsection:

Amendment of s. 51—
Protected animals.

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

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

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

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

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

Repeal of s. 52
and substitution
of new section.

35. Section 52 of the principal Act is repealed and the following section is substituted:

Open season.

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

(2) A notice under this section—

- (a) must not relate to animals of an endangered species;
- (b) does not apply in relation to animals within a reserve, other than a game reserve;

and

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

(3) A notice under this section—

(a) must state—

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

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

and

(iii) whether eggs may be taken;

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

and

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

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

Amendment of
s. 53—
Permits to take
protected animals.

36. Section 53 of the principal Act is amended by inserting in paragraph (c) of subsection (1) “or removal” after “destruction”.

Repeal of
Division III of
Part V and
substitution of
new Division.

37. Division III of Part V of the principal Act is repealed and the following Division is substituted:

DIVISION III—RELEASE OF PROTECTED ANIMALS

Restriction on
release of
protected animals.

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

Penalty: \$2 500.

Repeal of s. 58
and substitution
of new sections.

38. Section 58 of the principal Act is repealed and the following sections are substituted:

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

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

or

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

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

Penalty: \$2 500.

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

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

or

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

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

Penalty: \$2 500.

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

Penalty: \$2 500.

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

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

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

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

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

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

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

Penalty: \$2 500.

39. Section 60 of the principal Act is repealed and the following section is substituted:

Keeping and sale of protected animals.

Restriction on keeping protected animals in certain areas.

Repeal of s. 60 and substitution of new section.

Illegal possession
of animals, etc.

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

- (a) an animal;
- (b) the carcass of an animal;
- or
- (c) an egg,

that has been illegally taken or acquired.

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

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

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

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

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

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

Amendment of
s. 64—
Unlawful entry
on land.

40. Section 64 of the principal Act is amended—

(a) by striking out from subsection (1) “private”;

and

(b) by inserting after subsection (5) the following subsection:

(6) In this section—

“owner” means—

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

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

and

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

Repeal of s. 66
and substitution
of new section.

41. Section 66 of the principal Act is repealed and the following section is substituted:

Restriction on use
of certain devices.

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

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

Penalty: \$1 000.

42. The following heading is inserted before section 68a of the principal Act:

Insertion of new heading before s. 68a.

DIVISION I—HUNTING GENERALLY.

43. Section 68a of the principal Act is amended by inserting in paragraph (b) of subsection (5) “or agent” after “employee”.

Amendment of s. 68a—
Hunting permits.

44. Section 68b of the principal Act is repealed and the following section is substituted:

Repeal of s. 68b and substitution of new section.

68b. (1) A person must not be on land for the purpose of hunting unless the owner of the land has given that person, within the preceding 6 months, permission in writing to be on the land for that purpose.

Unlawful entry on land.

Penalty: \$1 000.

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

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

and

(b) to leave the land.

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

Penalty: \$1 000.

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

Penalty: \$1 000.

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

(6) In this section—

“owner” means—

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

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

and

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

Insertion of new
Division II into
Part VA.

45. The following Division is inserted in Part VA after section 68b of the principal Act:

DIVISION II—HUNTING AND FOOD GATHERING BY ABORIGINES

Interpretation.

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

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

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

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

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

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

or

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

Hunting and food
gathering by
Aborigines.

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

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

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

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

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

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

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

or

(b) solely for cultural purposes of Aboriginal origin.

Exemption from
requirement to
hold hunting
permit.

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

- (a) as food for the hunter or for his or her dependants;
or
(b) solely for cultural purposes of Aboriginal origin.

46. Section 70 of the principal Act is repealed and the following section is substituted:

Repeal of s. 70 and substitution of new section.

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

Obligation to produce permit.

Penalty: \$1 000.

47. Section 73 of the principal Act is amended by inserting in subsection (1) "or notice" after "proclamation".

Amendment of s. 73—
Offences against provisions of proclamations and notices.

48. The following section is inserted after section 75 of the principal Act:

Insertion of new section 75a.

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

Defence.

- (a) acted in a manner authorized by or under the Native Vegetation Management Act, 1985;
(b) acted in compliance with a requirement of the Animal and Plant Control (Agricultural Protection and Other Purposes) Act, 1986;
or
(c) acted in compliance with a requirement of any other Act.

49. Section 78 of the principal Act is amended—

Amendment of s. 78—
Financial provision.

(a) by striking out from subsection (1) "The moneys" and substituting "Subject to this Act, the money";

and

(b) by striking out from subsection (2) "the Permanent Head" and substituting "the Chief Executive Officer".

50. Section 79 of the principal Act is repealed and the following sections are substituted:

Repeal of s. 79 and substitution of new section.

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

Wilful damage to reserve or property of Minister.

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

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

79a. (1) Where a person holds a lease or licence granted by the Minister in relation to a reserve or part of a reserve, the Minister may from time to time, by notice in writing served personally or by

Lessees and licensees to make certain contributions.

post, require that person to pay a contribution of an amount determined by the Minister towards the cost of maintaining and improving the reserve.

(2) The holder of a lease or licence must pay the contribution to the Minister within 3 months of service of the notice.

(3) If the holder of a lease or licence fails to pay a contribution in accordance with this section, the Minister may recover the amount, together with interest at 10 per cent per annum, as a debt.

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

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

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

Amendment of
s. 80—
Regulations.

51. Section 80 of the principal Act is amended—

(a) by striking out from paragraph (a) of subsection (2) "the Permanent Head" and substituting "the Chief Executive Officer";

(b) by inserting after paragraph (i) of subsection (2) the following paragraph:

(ia) regulate, restrict or prohibit the removal of wood, mulch or other dead vegetation from reserves;;

(c) by inserting after paragraph (p) of subsection (2) the following paragraph:

(pa) empower the Director to fix one or more speed limits for vehicles driven within a reserve or any part of a reserve;;

(d) by inserting in paragraph (w) of subsection (2) "conditionally or unconditionally" after "exempt";

and

(e) by inserting after subsection (2) the following subsection:

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

Repeal of
schedules and
insertion of new
schedules.

52. The principal Act is amended by striking out the seventh, eighth and ninth schedules and substituting the following schedules:

SCHEDULE 7
Endangered Species

PART I
ANIMALS

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

SCHEDULE 7

Endangered Species

PART I

ANIMALS—continued

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

SCHEDULE 7
Endangered Species

PART I
ANIMALS—continued

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

PART II
PLANTS

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

SCHEDULE 7

Endangered Species

PART II

PLANTS—continued

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

SCHEDULE 7

Endangered Species

PART II

PLANTS—*continued*

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

SCHEDULE 8
Vulnerable Species

PART I
ANIMALS

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

SCHEDULE 8
Vulnerable Species

PART I
ANIMALS—continued

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

PART II
PLANTS

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

SCHEDULE 8

Vulnerable Species

PART II

PLANTS—continued

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

SCHEDULE 8

Vulnerable Species

PART II

PLANTS—*continued*

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

SCHEDULE 9

Rare Species

PART I

ANIMALS

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

SCHEDULE 9

Rare Species

PART I

ANIMALS—continued

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

SCHEDULE 9

Rare Species

PART I

ANIMALS—continued

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

PART II

PLANTS

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

SCHEDULE 9

Rare Species

PART II

PLANTS—continued

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

SCHEDULE 9

Rare Species

PART II

PLANTS—*continued*

COMMON NAME	SPECIES
Prostrate blue devil	UMBELLIFERAE
Hairy pennywort	<i>Eryngium vesiculosum</i>
	<i>Hydrocotyle hirta</i>
Tall yellow-eye	XYRIDACEAE
	<i>Xyris operculata</i>

THE SCHEDULE

The principal Act is amended as follows:

- Section 4 Delete this section.
- Section 5—
Definition of "Crown lands" Delete this definition and substitute:
"Crown land" means—
(a) unalienated land of the Crown;
or
(b) land held by a Minister, agent or instrumentality of the Crown on behalf of the Crown.
- Section 6 (1) Delete this subsection and substitute:
(1) The Minister is a corporation sole.
- Section 6 (2) Delete "his" and substitute "that".
- Section 7 Section 7 is repealed.
- Section 8 Section 8 is repealed.
- Section 9 (2) Delete this subsection and substitute:
(2) Where a notice of intention to acquire land has been served, a person who wilfully damages the land or destroys or harms wildlife on the land is guilty of an offence.
Penalty: \$5 000 or imprisonment for 12 months.
- Section 10 (2) Delete ", in such manner and form as he thinks fit,".
- Section 11 (3) Delete "he" and substitute "the Minister".
- Section 15 (3) Delete "of whom he has been appointed a deputy".
- Section 16 (1) Delete "his" (first occurring).
Delete "his" (second occurring) and substitute "a".
- Section 16 (3) Delete this subsection and substitute:
(3) The office of a member of the Committee becomes vacant if the member—
(a) dies;
(b) completes a term of office and is not re-appointed;
(c) resigns by written notice addressed to the Minister;
or
(d) is removed from office by the Governor under subsection (2).
- Section 17 (1) Delete "shall".
- Section 17 (2) Delete "shall be" and substitute "is".
- Section 17 (3) Delete "shall have" (wherever it occurs) and substitute, in each case, "has".
- Section 17 (4) Delete "shall preside at any meeting of the Committee at which he is present" and substitute "if present at a meeting of the Committee, shall preside at that meeting".
- Section 18 Delete "shall be" and substitute "are".
- Section 20 (2) Delete "such term as may be specified in the instrument of his appointment" and substitute "a term specified in the instrument of appointment".
- Section 20 (3) After "his" insert "or her".
- Section 20 (4) Delete "his".
Delete "him" and substitute "the warden".
- Section 20 (5) Delete "his".
- Section 26 After "he" insert "or she".
Delete "Penalty: One thousand dollars or imprisonment for three months" and substitute "Penalty: \$2 000 or imprisonment for 3 months".

- Section 27 (2) Delete "of this section shall, subject to this Division, be" and substitute "are, subject to this Division,".
- Section 29 (2) Delete "of this section shall, subject to this Division, be" and substitute "are, subject to this Division,".
- Section 31 (2) Delete "of this section shall, subject to this Division, be" and substitute "are, subject to this Division,".
- Section 33 (2) Delete this subsection and substitute:
(2) The names assigned by schedule 6 to the recreation parks constituted under subsection (1) are, subject to this Division, the names of those recreation parks.
- Section 35 (3) Delete this subsection and substitute:
(3) The Minister may grant on appropriate terms and conditions a lease or licence entitling a person to rights of entry, use or occupation in respect of a reserve.
- Section 37 (f) Delete "and injurious affection".
- Section 38 (1) Delete this subsection and substitute:
(1) As soon as practicable after the constitution of a reserve, the Minister must propose a plan of management in relation to the reserve.
- Section 38 (7) Delete "received by him".
- Section 38 (9) Delete this subsection and substitute:
(9) The Minister may—
(a) adopt a management plan—
(i) without alteration;
or
(ii) with such alterations as the Minister thinks reasonable in view of the representations that were made;
or
(b) may refer the management plan back to the Advisory Committee for further consideration.
- Section 38 (10) Delete this subsection and substitute:
(10) When the Minister adopts a plan of management, notice of that fact must be published in the *Gazette*.
- Section 42 (3) Delete "Penalty: Two hundred dollars" and substitute "Penalty: \$1 000".
- Section 42 (4) Delete ", upon such terms and conditions as he thinks fit," and substitute ", on appropriate terms and conditions,".
- Section 45d (2) Delete this subsection and substitute:
(2) A member of a Trust is entitled to payment from the funds of the Trust of such remuneration, allowances and expenses as the Governor may determine.
- Section 45d (4) Delete this subsection and substitute:
(4) No liability attaches to a member of a Trust for an act or omission by the member or the Trust in good faith and in the exercise or purported exercise of functions under this Act.
- Section 45e (2) Delete this subsection and substitute:
(2) The chairman, if present at a meeting of the Trust, must preside at that meeting.
- Section 45k (3) Delete this subsection.
- Section 53 (1) Delete "he is".
- Section 53 (2) Delete "shall be" and substitute "remains".
- Section 53 (4) Delete "Penalty: Five hundred dollars" and substitute "Penalty: \$1 000".

- Section 53 (6) Delete "to him".
- Section 59 (1) Delete "Penalty: One thousand dollars" and substitute "Penalty: \$2 000".
- Section 62 (2) Delete this subsection and substitute:
 (2) A person who fails to comply with a demand under subsection (1) within 48 hours of the demand is guilty of an offence.
 Penalty: \$1 000.
- Section 64 (1) Delete "Penalty: Two hundred dollars" and substitute "Penalty: \$1 000".
- Section 64 (3) Delete "Penalty: Five hundred dollars" and substitute "Penalty: \$1 000".
- Section 64 (4) Delete "Penalty: Five hundred dollars" and substitute "Penalty: \$1 000".
- Section 64 (5) Delete this section and substitute:
 (5) In proceedings for an offence against this section, proof that a person has possession or control of a dog, firearm or device capable of being used for taking a protected animal is evidence that that person was on the land for the purpose of taking a protected animal.
- Section 65 (1) and (2) Delete these subsections and substitute:
 (1) A person who, without a permit granted by the Minister, uses poison for the purpose of taking a protected animal is guilty of an offence.
 Penalty: \$2 000.
 (2) If a protected animal is taken as a result of the use of poison by a person without a permit granted by the Minister, that person is guilty of an offence.
 Penalty: \$2 000.
- Section 68 Delete "Penalty: Five hundred dollars" and substitute "Penalty: \$1 000".
- Section 68a (1) Delete "Penalty: Five hundred dollars" and substitute "Penalty: \$1 000".
- Section 68a (4) Delete "in his possession" and substitute "possession of".
 Delete "he had the firearm or device in his possession" and substitute "the defendant had the firearm or device".
 Delete "he had that firearm or device in his possession" and substitute "the defendant had possession of that firearm or device".
- Section 69 (2) Delete "where in his opinion special circumstances justify him in so doing," and substitute "if satisfied that there are special reasons for doing so,".
- Section 69 (5) Delete this subsection and substitute:
 (5) A permit—
 (a) comes into operation on the day fixed in the permit for its commencement or, if no such day is fixed, on the day on which it is granted;
 and
 (b) expires on the day fixed in the permit for its expiry or, if no such day is fixed, on the expiration of 12 months from the day on which it came into operation.
- Section 71 (1) (a) Delete "by him".
- Section 71 (1) Delete "he" and substitute "the Minister".
 Delete "to him".
- Section 72 (1) Delete "Penalty: One thousand dollars" and substitute "Penalty: \$2 000".
- Section 73 (1) Delete "Penalty: Five hundred dollars" and substitute "Penalty: \$1 000".

Section 73 (2)

Delete this subsection and substitute:

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

Penalty: \$1 000.

Section 74

Delete subsection (2) and substitute the following subsection:

(2) The amount of the additional fine is—

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

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

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

and

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

Section 80 (1)

Delete "he deems" and substitute "are".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor