

# NATIONAL PARKS AUTHORITY.

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No. 19 of 1976.

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**AN ACT to establish the National Parks Authority of Western Australia, and to provide for the vesting and management of certain areas as National Parks or reserves, for the conservation of the natural environment, the preservation and enhancement of natural beauty, and the provision of access and facilities for public recreation, and for incidental and other purposes.**

*[Assented to 3rd June, 1976.]*

**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *National Parks Authority Act, 1976.* Short title.

Commence-  
ment.

2. This Act shall come into operation on a date to be fixed by proclamation.

Interpre-  
tation and  
application  
to the  
Crown.

3. (1) In this Act, unless the context otherwise requires—

“Director” means the Director of National Parks appointed pursuant to section 13;

“honorary ranger” means a person appointed as an honorary ranger pursuant to section 29;

“land” includes water;

“local authority” means the executive body of the municipality in which the land is situate;

“member” means member of the Authority;

“Minister” means the Minister of the Crown to whom the administration of this Act is for the time being committed and includes any Minister of the Crown for the time being discharging the duties of the office of the Minister;

“President” means the President of the Authority;

“ranger” means a person appointed by or pursuant to section 27, but does not include an honorary ranger;

“section” means section of this Act;

“the Authority” means the National Parks Authority of Western Australia as established under this Act; and

“the former Board” means the National Parks Board established under the Parks and Reserves Act, 1895.

(2) This Act binds the Crown.

4. There shall be established in the State in accordance with the provisions of this Act National Parks comprising areas, whether of land or water, or both land and water, which by reason of scenic, aesthetic, recreational, biological or other special features are in the public interest to be conserved and managed by or on behalf of the Authority.

National  
Parks.

5. (1) This Act, or any provision of this Act, applies only to such area or areas of the State as the Governor may by proclamation declare to be subject to this Act or that provision.

Application.

(2) A proclamation made under this section may be cancelled or from time to time varied by a subsequent proclamation.

(3) Nothing in this Act shall affect or be construed to derogate from the operation of the Mining Act, 1904, the Petroleum Act, 1967, any other Act relating to minerals or petroleum or any agreement to which the State is a party and which, or the execution of which, is or has been ratified or approved by an Act.

6. Without limiting the operation of the Interpretation Act, 1918, until by-laws are made under this Act in relation to the lands vested in or under the control or management of the Authority the by-laws made in relation to those lands by the former Board under the Parks and Reserves Act, 1895, and in force immediately prior to the time this Act comes into operation, shall apply, so far as applicable, to persons, acts, circumstances and things under this Act as if those by-laws were made under this Act.

Saving of  
Board  
by-laws.

7. (1) There is hereby established an Authority which shall—

Establish-  
ment of the  
Authority.

- (a) be a body corporate by the name of the National Parks Authority of Western Australia, with perpetual succession and a seal;
- (b) in its corporate name be capable of suing and being sued; and

- (c) subject to the provisions of this Act, be capable of, purchasing or otherwise acquiring, holding and managing, and disposing of, any property, real or personal, for the purpose of carrying out its functions under this Act, and of doing or suffering all such other acts and things as bodies corporate may lawfully do and suffer.

(2) All courts and persons acting judicially shall take judicial notice of the seal of the Authority affixed to any document and shall presume that it was duly affixed.

(3) The provisions of the Schedule to this Act shall have effect with respect to the constitution and proceedings of the Authority.

Administra-  
tion.

8. (1) Subject to the Minister, the responsibility for the administration of this Act is vested in the Authority.

(2) The Minister may, after consultation with the Authority, give to the Authority directions of a general or specific character as to the exercise of its functions and the Authority shall give effect to any such direction.

Functions  
of the  
Authority.

9. The functions of the Authority shall be—

- (a) to maintain and manage either alone or jointly with other persons or the local authority, all areas, whether comprising land or water or both, vested in the Authority or placed under the control or management of the Authority;
- (b) to preserve and enhance the natural beauty of the State, and to provide and maintain facilities for the enjoyment of that beauty by the community;

- (c) to provide information services and to educate the community in relation to the use and enjoyment of the facilities available;
- (d) to take and enforce covenants as to the conservation of the environment of land vested in the Authority;
- (e) to act in concert with, consult, and make arrangements and agreements with any local authority or residents or other persons affected by the operation of this Act;
- (f) to set apart, improve, and charge admission to, specified areas for particular recreational activities;
- (g) to co-operate with and make representations to the Environmental Protection Authority, planning authorities, local authorities and all agencies and instrumentalities of the Crown for the purposes of this Act;
- (h) to provide general administrative and co-ordinating services for the purposes of this Act;
- (i) to undertake such other activities in relation to the use and enjoyment of the land and waters of the State by the community as the Minister may direct; and
- (j) to carry out such other functions, rights, powers, authorities, duties and obligations as are conferred or imposed on it by any other Act or law.

10. (1) The Authority shall consist of—

- (a) a President, nominated by the Minister;
- (b) the holder of each of the following offices, or a person nominated in writing to the Minister by him and nominated by the Minister to the Governor for appointment in lieu of the holder of the office named, that is to say—

- (i) the Conservator of Forests;

Membership  
of the  
Authority.

- (ii) the Director of Fisheries and Wildlife;
  - (iii) the Director of the Department of Tourism; and
  - (iv) the Surveyor General; and
- (c) four persons nominated by the Minister to represent the interests of the public, namely—
- (i) a person knowledgeable and experienced in matters relating to primary industry;
  - (ii) a person knowledgeable and experienced in local government matters; and
  - (iii) two persons (being persons who are not employed under and subject to the Public Service Act, 1904), who are persons having special knowledge or experience in conservation or community service matters relevant to the concept of National Parks to represent individuals and bodies having related interests,

all of whom shall be appointed by the Governor.

(2) Acceptance of or acting in the office of member of the Authority by any person does not of itself render the provisions of the Public Service Act, 1904, or any other Act applying to persons as officers of the Public Service of the State, applicable to that member, or affect or prejudice the application to him of those provisions if they applied to him at the time of the acceptance of or acting in that office.

Tenure of  
office.

11. (1) The President may be appointed by the Governor for a period not exceeding five years upon such conditions of service as the Governor determines, and may be re-appointed from time to time at the expiration of his term of office.

(2) The President may at any time resign his office by a written notice under his hand addressed to the Governor and given to the Minister, and may be removed from office by the Governor for inability, inefficiency or misbehaviour.

(3) Subject to subsection (4) of this section and to paragraph 1 of the Schedule to this Act, a member of the Authority who is appointed on the nomination of the Minister to represent the interests of any section of the public shall hold office, unless disqualified, for a period of four years and is eligible for re-appointment, but may resign his office by a written notice under his hand given to the Minister.

(4) On the initial establishment of the Authority, of the members who are appointed to represent the interests of the public, as designated by the Governor at the time of their appointment—

- (a) one shall be appointed for a period of one year;
- (b) one shall be appointed for a period of two years;
- (c) one shall be appointed for a period of three years; and
- (d) one shall be appointed for a period of four years.

(5) A member of the Authority who is appointed on the nomination of a person other than the Minister shall hold office until his nomination is withdrawn.

12. (1) The Authority may invite any person having special knowledge, experience or responsibility which in the opinion of the Authority will assist the Authority in relation to the establishment, control or management of national parks, or otherwise in the performance of the functions of the Authority, to take part in the proceedings of the Authority but any such person shall not be entitled to a vote in the Authority.

Co-opted  
Advisors  
and  
Committee.

(2) The Authority may invite any person, subject to the approval of the Minister and on such terms and conditions as the Minister may determine, to act in an advisory capacity to the Authority in relation to all or any aspects of its functions.

(3) The Authority may establish committees of such persons as the Authority may determine, whether members of the Authority or persons who are not members; and may, with the approval of the Minister, empower any such committee to investigate and report on any aspect of the functions of the Authority, to implement any decision, or to carry out any administrative duty.

Director of  
National  
Parks.

13. (1) There shall be appointed under and subject to the provisions of the Public Service Act, 1904, a fit and proper person to be the Director of National Parks.

(2) On the date of the coming into operation of this Act, the person who was immediately prior to that date the Director of the body known as the National Parks Board established under the Parks and Reserves Act, 1895 shall be deemed to have been appointed Director of National Parks in pursuance of subsection (1) of this section on the same terms and conditions, including the salary payable, as in the office of Director of the former Board immediately prior to that date, and retains his existing and accruing rights and for the purpose of determining those rights his service as an officer of the former Board shall be taken into account as if it were service with the Authority.

(3) Subject to this Act and to the directions of the Authority, the Director is responsible for the administration and control of the staff of the Authority.

(4) The Director, who shall, subject to the directions of the Minister, have direct access to the Minister, shall be the chief executive officer of the Authority and, subject to subsection (6) of this section, shall be entitled to attend all

meetings of the Authority or any committee of the Authority and may speak in relation to any matter but shall not be entitled to vote at any meeting.

(5) It shall be the duty of the Director to formulate policies for the care, control and management of National Parks generally and in relation to each National Park and to submit such policies and management proposals to the Authority which shall examine them and forward them with appropriate comments to the Minister for his consideration.

(6) On the recommendation of the Environmental Protection Authority, the Minister may by instrument in writing direct that, on a matter specified therein, the National Parks Authority shall hold a meeting on such terms and conditions as are so specified.

14. (1) There may be appointed under and subject to the Public Service Act, 1904, such officers and temporary employees as may be necessary to provide administrative, scientific, technical and other services to assist the Authority in the exercise and performance of the powers, functions and duties conferred on the Authority by this Act, and to permit the Authority to undertake investigations, projects, studies and research, to manage the lands under its control and to make reports with regard to the carrying out of this Act.

Staff of the  
Authority,  
and  
contracts  
for services.

(2) For the purposes of this Act, the Authority may, with the consent of the Minister of the Crown having responsibility for the administration of the Act relating to a department of the government of the State or an instrumentality or agency of the Crown, make use of the services of any officer of that department, instrumentality or agency upon such terms as may be agreed between that Minister and the Authority and approved by the Chairman of the Public Service Board.

(3) Subject to this Act and the approval of the Minister the Authority may engage such officers and temporary employees as the Authority thinks fit for the purposes of this Act.

(4) Subject to any relevant award or industrial agreement under the Industrial Arbitration Act, 1912, and subject to subsection (5) of this section, the terms and conditions of appointment and employment of officers and employees of the Authority engaged pursuant to subsection (3) of this section, including the salary payable, shall be such terms and conditions as the Minister, after consultation with the Authority and the Chairman of the Public Service Board, determines.

(5) Where the Minister, after consultation with the Chairman of the Public Service Board, considers that a person engaged under subsection (3) of this section is in like employment with the Authority to any employment in the Public Service of the State, that person shall have like terms and conditions of employment with the Authority to those of employment in the Public Service of the State.

(6) A person engaged under the provisions of subsection (3) of this section is not a person appointed under the Public Service Act, 1904, and the provisions of the Government Employees (Promotions Appeal Board) Act, 1945, do not apply to or in relation to such an officer or employee of the Authority.

(7) On the date of the coming into operation of this Act, all officers and employees who were employed immediately prior to that date by the body known as the National Parks Board established under the Parks and Reserves Act, 1895 shall be deemed to be appointed or engaged as officers and employees of the Authority under this Act on the same terms and conditions, including the salary payable, as they were employed by the former Board immediately prior to that date.

(8) Where an officer or employee is deemed to be appointed or engaged in pursuance of subsection (2) of this section he retains his existing and accruing rights and for the purpose of determining those rights, his service as an officer or employee of the former Board shall be taken into account as if it were service with the Authority.

(9) With the approval of the Minister and upon such terms and conditions as the Minister, in giving his approval, may impose the Authority may—

(a) engage, under contract for work or services, such professional and technical or other assistance as may be necessary to enable the Authority to carry out effectively its functions under this Act; and

(b) enter into arrangements with—

(i) a Minister of the Crown of any State of the Commonwealth, a Minister of State of the Commonwealth, a department, instrumentality, or agency of the Commonwealth or any State or territory in the Commonwealth; or

(ii) a university or other tertiary institution; or

(iii) any other body or person,

with respect to the conduct of any investigation, project, study or research or the carrying out of any work that may be necessary or desirable for the purposes of this Act.

15. (1) The Authority may—

(a) delegate to the Director or any officer or committee of the Authority, to the local authority, or, with the consent of the Minister, to any other person or body specified in the instrument of delegation,

Authority's  
power to  
delegate.

all or any of its powers and functions under this Act, other than this power of delegation; and

(b) vary or revoke a delegation.

(2) A power or function delegated by the Authority may be exercised or performed by the delegate—

(a) in accordance with the instrument of delegation; and

(b) if the exercise of the power or the performance of the function in relation to a matter is dependent upon the opinion, belief or state of mind of the Authority—upon the opinion, belief, or state of mind of the delegate in relation to that matter.

(3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Authority.

(4) A person who purports to exercise a power or function pursuant to a delegation conferred under the provisions of this section is presumed to do so in accordance with the terms of the delegation in the absence of proof to the contrary, but shall if requested so to do produce evidence of the terms of the delegation to any person in relation to whom he proposes to exercise the power or function.

Delegation  
by  
Director.

16. (1) The Director may delegate to any officer of the Authority, or, with the consent of the Minister, to any other person or body all or any of his powers and functions under this Act, other than this power of delegation, and may vary or revoke a delegation.

(2) In relation to any delegation by the Director pursuant to this section, the provisions of subsections (2), (3) and (4) of section 15 apply as if repeated in this section but as if any reference in those subsections to the Authority were a reference to the Director.

17. (1) Subject to subsection (2) of this section, on the coming into operation of this Act—

Transfer  
from the  
Board to  
the  
Authority.

- (a) the body known as the National Parks Board established under the Parks and Reserves Act, 1895 is abolished;
- (b) all right, title and interest in and to any property which was immediately prior thereto vested in or placed in the care or control of the former Board is, as the case may require, by force of the section and without further assurance in like manner vested in or placed in the control and management of the Authority for the purposes of this Act;
- (c) all rights, obligations and liabilities of the former Board existing immediately prior thereto are by force of this section vested in or imposed on the Authority;
- (d) a reference to the former Board shall take effect as a reference to the Authority in any agreement, whether in writing or not, and in every deed, contract or other instrument, to which the former Board was a party or which affected the former Board unless the context is such that it would be incorrect or inappropriate; and
- (e) any proceedings pending immediately prior thereto to which the former Board was a party shall be continued as if the Authority was a party thereto in lieu of the former Board.

(2) The provisions of subsection (1) of this section do not apply to, or in relation to, Reserve A21054 known as East Perth Cemetery (Disused).

18. (1) Subject to the provisions of section 31 of the Land Act, 1933, the Governor may, by proclamation published in the *Government Gazette*, vest in or place under the control and management of the Authority any land reserved under the provisions of section 29 of that Act.

Reserves  
may be  
vested in  
or placed  
under the  
control of  
the  
Authority.

(2) In relation to any land which is the subject of a proclamation made under subsection (1) of this section the Governor may by proclamation published in the *Government Gazette* provide—

- (a) that the land shall be held or dealt with subject to specified conditions, restrictions or limitations;
- (b) that any power conferred upon the Authority by this Act may be exercised by the local authority, or some other person or body therein named, on behalf of or under the direction of the Authority, but no such provision shall prevent the Authority from exercising the power; and
- (c) that the land shall, or shall not, be a National Park.

(3) The operation of, and the provisions contained in, a proclamation made under this section may from time to time be varied or cancelled, wholly or in part, by a subsequent proclamation published in the *Government Gazette*.

(4) The powers conferred upon the Governor under this section shall not be exercised otherwise than upon and in accordance with a recommendation of the Minister presented pursuant to the provisions of section 19.

Minister's  
recommendation  
as to  
reserves.

19. (1) The Minister before presenting a recommendation to the Governor on the exercise of the power conferred by section 18 shall refer the question to the Authority and shall cause the report of the Authority together with his proposed recommendation to the Governor to be laid before each House of Parliament.

(2) Where notice of the resolution is given within not less than fourteen sitting days of the House after the proposed recommendation has been laid before it, whether or not the fourteen days or some of them occur in the same session of Parliament or

during the same Parliament as that in which the proposed recommendation is laid before the House, either House of Parliament may pass a resolution rejecting the proposed recommendation.

(3) The Minister shall not present to the Governor a recommendation which—

- (a) is required to be laid before each House of Parliament and has not been so laid;
- (b) is before either House of Parliament and is subject to rejection; or
- (c) has been rejected.

20. (1) Where the advice of the Authority is sought by the Minister under subsection (1) of section 19, and whenever directed by the Minister so to do in relation to any other matter, the Authority shall refer the subject matter of the inquiry to every local authority the district of which in the opinion of the Authority may be affected for any information and advice the local authority may be able to offer, shall have regard to the views of the local authority in advising the Minister and shall notify the local authority of the general nature of any report, advice or recommendation which the Authority may then intend to submit to the Minister.

Local  
Authority  
consulta-  
tions, and  
initiatives.

(2) A local authority which is aggrieved by any report, advice or recommendation to be submitted to the Minister by the Authority, may so advise the Minister, and the Minister shall have regard to the views of the local authority but shall not be bound to act in accordance with those views.

(3) A local authority may make representations to the Authority in relation to any National Park or other land vested in or placed under the control or management of the Authority, and may request the Authority to initiate action in respect of land which in the opinion of the local authority should be dealt with under the provisions of this Act.

Agreements  
for  
management  
of private  
land.

21. (1) The Authority may enter into agreements with the owner, lessee or licensee of any area of land for the control or management of the land for the purposes of this Act.

(2) The Authority shall not enter into any agreement under this section with the lessee or licensee of any land unless the owner, and any person occupying the land with the consent of the owner, has given approval in writing to the agreement.

Management  
programmes.

22. (1) It shall be the duty of the Authority, in relation to any land—

- (a) vested in or placed under the control and management of the Authority under this Act; or
- (b) being land which is the subject of an agreement made between the Authority and the owner, lessee or licensee thereof for its control or management,

to cause to be prepared a detailed written programme of the operations that the Authority proposes to undertake on or in relation to the area for such period, not exceeding ten years, as is specified in that programme.

(2) The objects of the programme shall be the public utilisation, and the maintenance, study, care and restoration of the natural environment, the conservation of the indigenous flora and fauna, and such other matters as the Authority recommends and the Minister approves.

(3) A programme made under this section may include a working plan for the Authority to carry out in connection with the improvement, development and maintenance of any area of land to which the programme relates, and the prevention and control of fires.

(4) The Authority may, with the approval of the Minister, arrange with—

- (a) the Minister administering any Government Department of the State; or
- (b) any statutory corporation or instrumentality,

for the carrying out on behalf of or under the direction of the Authority of any work authorized under a working plan in accordance with a programme prepared pursuant to this section.

(5) A working plan made under this section may, with the written approval of the Minister, be varied from time to time or cancelled and another plan substituted.

23. (1) The Authority, subject to the provisions of this Act—

Dealings in  
land and  
property.

- (a) has the control and management of all real and personal property at any time vested in or acquired by the Authority; and may set out roads and open spaces, and erect and maintain buildings upon and otherwise improve any such land or other property as it thinks fit;
- (b) may borrow money for the purpose of carrying out and performing any of its functions, the renewal of loans or the discharge or partial discharge of any indebtedness to the Treasurer or to any bank within such limits, to such extent and upon such conditions as to security or otherwise as the Minister and, where the repayment is to be guaranteed, the Treasurer, may approve pursuant to the provisions of section 37;
- (c) may acquire by gift, bequest or devise any property for the purposes of the Authority and may agree to carry out the conditions of any such gift, bequest or devise;

- (d) may dispose of any real or personal property acquired by gift, devise, or bequest as it may think fit, subject only to the express trusts of any deed, will, or instrument under which the property was acquired; and
- (e) may with the approval of the Minister grant leases of any lands vested in or under the control or management of the authority for any term not exceeding twenty-one years, and, with the approval of the Governor, but not otherwise, may grant leases for a term exceeding twenty-one years but not exceeding ninety-nine years.

Classifica-  
tion of areas.

24. (1) Where any land has been vested in or placed under the control or management of the Authority, the Authority may, with the approval of the Minister, by notice published in the *Gazette*, classify or reclassify any area of that land as—

- (a) a prohibited area;
- (b) a restricted access area;
- (c) an unlimited access area;
- (d) a recreational area intended for specified activities; or
- (e) such other class of area as the Authority thinks necessary for the purpose of giving effect to the objects of this Act,

and may in like manner cancel any such classification.

(2) Nothing in this section shall prejudice the operation of the Land Act, 1933, or any Act for the time being providing for the conservation of fauna or indigenous flora.

(3) A classification or reclassification of an area placed under the control or management of the Authority by the owner, lessee or licensee shall not

be made unless the owner, and any person occupying the land with the consent of the owner, has given approval in writing to the classification.

25. (1) The Authority may grant a licence in writing to any person to enter and use any land vested in the Authority, whether classified or otherwise. Licences.

(2) The Authority may renew the period of operation of a licence from time to time, or transfer the authority it confers from one person to another, or, where its operation relates to any place, may transfer that operation to another place of the same kind.

(3) Where the holder of a licence contravenes or fails to comply with any conditions endorsed upon or attached to the licence the Authority may, at any time and from time to time, by notice in writing given to the holder of a licence, cancel the licence or suspend it for such period as the Authority thinks fit.

(4) The grant, renewal or transfer of a licence may be authorised subject to such conditions as the Authority thinks fit, which conditions shall be endorsed upon or attached to the licence when granted, renewed or transferred, as the case may be; and may be added to, cancelled, suspended and otherwise varied by the Authority from time to time during the operation of the licence.

(5) No person shall be entitled to the grant, renewal or transfer of a licence as of right.

(6) Where the owner, and any person occupying the land with the consent of the owner, has given approval in writing the powers conferred by this section may be exercised in relation to any land placed under the control or management of the Authority by the owner, lessee or licensee of that land.

Erection of  
notices.

26. (1) The Authority or any person authorized by the Authority in that behalf may erect or cause to be erected at such places, within or on the boundaries of any locality, notices of such form and construction as the Authority considers necessary or desirable for the purpose of indicating publicly—

- (a) that the locality is an area which is subject to this Act;
- (b) the extent of the area;
- (c) the nature of any protection afforded to fauna or flora and the species protected or not protected;
- (d) any other matters relating to the area; and
- (e) the liability of any person contravening this Act with respect thereto,

or any of those things, and may from time to time cause any such notice to be removed, demolished or erased.

“This Act”  
includes  
regulations  
and  
by-laws.  
S.4 Act  
No. 30 of  
1918.

(2) A person is not relieved of any liability for a contravention of any provision of this Act by reason of the fact that a notice is not erected at any place pursuant to this section.

(3) A person shall not destroy, damage, deface, obliterate, move or interfere with a notice erected under this section.

Penalty: Five hundred dollars.

(4) Where on the conviction of a person for an offence against this section, it appears to the Court convicting the person that any injury to property has been occasioned by the act constituting the offence, the Court may order the person convicted to pay in addition to any fine a reasonable sum as compensation for the injury, and that sum may be recovered as a fine under this Act and when recovered shall be paid to the Authority.

27. (1) For the purposes of this Act, the following persons shall be rangers— Rangers.

- (a) the Director;
- (b) every person who is, or acts in the office of,—
  - (i) a forest officer, under the Forests Act, 1918;
  - (ii) an inspector, under the Fisheries Act, 1905; or
  - (iii) a wildlife officer under the Wildlife Conservation Act, 1950;
- (c) all members of the Police Force;
- (d) every person who for the time being is a member of the Authority; and
- (e) officers and employees of the Authority appointed to the office of ranger by the Minister.

(2) Every officer and employee of the Authority appointed by the Minister to be a ranger under this Act shall be furnished with a certificate in the prescribed form evidencing his appointment and shall produce such certificate whenever required so to do by any person in respect of whom he has exercised or is about to exercise any of his powers under this Act.

(3) Production of a certificate in the prescribed form is conclusive proof in any court of the appointment of the ranger to whom that certificate relates and of his authority to exercise the powers conferred upon a ranger under this Act.

28. (1) A ranger who is not a member of the Police Force and who finds a person committing an offence against this Act, or who on reasonable grounds suspects that an offence against this Act

Powers of a ranger.  
"This Act" includes regulations and by-laws  
See s 4 Act No. 30 of 1918.

has been committed or is about to be committed, may without warrant other than the provisions of this section—

- (a) remove any vehicle, animal or other thing from the land;
- (b) stop, detain and search any vehicle, vessel or conveyance;
- (c) enter and search any hut, tent, caravan or other erection which is not a permanent residence; and
- (d) require any person to give to him the person's name and address and detain the person if, when required to do so, he does not give to the ranger his name and address, or gives to the ranger a false name and address, until he can be delivered to a member of the Police Force, or the ranger may take him into custody himself, to be dealt with according to law pursuant to section 50 of the Police Act, 1892, as if he had not given his name and address, or had given a false name and address to a member of the Police Force.

but a ranger shall not exercise any power specified in paragraph (a), (b) or (c) of this subsection unless he has first taken all reasonable steps to communicate to the owner or person in charge of the vehicle, animal, vessel, conveyance, hut, tent, caravan or other thing concerned his intention to exercise the power and his reasons for believing that he is authorized to exercise the power.

(2) As regards a ranger who is a member of the Police Force, the provisions of this Act relating to rangers are not in derogation of but are in addition to those of other Acts relating to members of the Police Force.

Honorary  
rangers.

29. (1) The Minister may appoint honorary rangers for the purposes of this Act who may exercise such powers as are prescribed, either throughout the State or in a specified area or specified areas only, according to the terms of their appointments.

(2) Every person appointed to be an honorary ranger under this Act shall be furnished with a certificate in the prescribed form evidencing his appointment and shall produce such certificate whenever required so to do by any person in respect of whom he has exercised or is about to exercise any of his powers under this Act.

(3) In any proceedings under this Act production of a certificate in the prescribed form is conclusive evidence in any court of the appointment of the honorary ranger to whom the certificate relates and of his authority to exercise the powers specified in that certificate.

30. (1) A person who wilfully obstructs any person acting in the execution of this Act commits an offence against this Act. Persons obstructing execution of this Act.

(2) A person who fails to give to any person acting in the execution of this Act any assistance which that person may reasonably request him to give, or any information which that person is expressly authorized by this Act to call for or may reasonably require, or who, when required to give any such information, knowingly makes any false or misleading statement in relation thereto, shall be treated as having wilfully obstructed that person.

31. A person who having the consent or authorization of the Authority, or of any other person or body acting on behalf of or under the direction of the Authority, to do anything which would otherwise constitute an offence against this Act, is in breach of any condition to which the giving of the consent or authorization was made subject, commits an offence. Breach of conditions.

32. (1) All proceedings for offences against this Act shall be disposed of summarily before a court of petty sessions. Proceedings.

(2) A complaint for an offence against this Act may be made and prosecuted pursuant to the provisions of the Justices Act, 1902, by—

- (a) any ranger;
- (b) an honorary ranger in relation to the matters and in the area in respect of which he is authorized to exercise his powers under this Act; and
- (c) any other person authorized in writing for the purpose of the proposed proceedings by the Minister.

(3) In any proceedings under this Act the authority of any person to prosecute for an offence shall be presumed unless the contrary is proved.

**Evidence.**

33. Where in a complaint of an offence against this Act there is an averment that an act occurred within the boundaries of land vested in or under the control or management of the Authority, courts and persons acting judicially shall, on the act being proved, presume in the absence of proof to the contrary that the act occurred within the boundaries of such land as averred.

**Offences and penalties.**

34. (1) A person who—

- (a) fails to comply with any requirement of this Act within the time or in the manner thereby provided; or
- (b) contravenes or fails to observe any provision of this Act,

commits an offence.

(2) A person convicted of an offence against this Act is liable on conviction, where no penalty is expressly provided for the offence—

- (a) if he has not been previously convicted of any offence against this Act, to a fine of five hundred dollars; and

“This Act” includes regulations and by-laws.  
Cf. s.4 Interpretation Act, 1918.

- (b) if he has been previously convicted of an offence against this Act, to a fine of one thousand dollars.

35. All pecuniary penalties imposed under this Act shall, notwithstanding anything to the contrary contained in the Fines and Penalties Appropriation Act, 1909, or any other Act, be appropriated and paid to the Authority for the purposes of this Act.

Appropriation of penalties.

36. A person who occupies or has occupied the office of Minister, or Director, or member of the Authority or who otherwise exercises or performs or has exercised or performed any power or function conferred or any duty imposed by this Act, is not personally liable for anything done or omitted in good faith in, or in connection with, the exercise or purported exercise of any power or function conferred or purported to be conferred, or the performance of any duty imposed or purported to be imposed, by this Act.

Exemption from personal liability.

37. (1) The powers conferred by this section shall not be exercisable without the prior consent in writing of the Minister, or otherwise than in accordance with such conditions as he may impose in the document evidencing that consent.

Loans may be guaranteed by the Treasurer.

(2) The Authority shall have power to borrow money upon the guarantee of the Treasurer of the State for the purposes of carrying out its powers and functions under this Act.

(3) Where any guarantee as to repayment is to be made under this section the Authority is authorized to borrow money upon such terms and conditions only as the Treasurer approves.

(4) The Treasurer is hereby authorized to so approve and to give the guarantee, including the guarantee of interest, for and on behalf of the Crown in right of the State.

(5) Any moneys borrowed by the Authority under this section may be raised as one loan or as several loans and in such manner as the Treasurer may approve, but the amount of the moneys so borrowed shall not in any one year exceed in the aggregate such amount as the Treasurer approves.

(6) Before a guarantee is given by the Treasurer under this section, the Authority shall give to the Treasurer such security as the Treasurer may require and shall execute all such instruments as may be necessary for the purpose.

(7) The Authority shall use all moneys borrowed under the power conferred by this Act for the purposes of carrying this Act into effect.

Financial  
provisions.

38. (1) The funds necessary for the effectual exercise by the Authority of the powers conferred and the duties imposed by this Act consist of—

- (a) moneys from time to time appropriated by Parliament for the purpose;
- (b) the proceeds of the disposal of or dealing with any land, natural resource or other property that the Authority is authorized to effect under this Act;
- (c) moneys from time to time derived by the Authority from the management of any land or property, or from penalties, or which are borrowed pursuant to this Act;
- (d) the proceeds of investment of any moneys standing to the credit of the Authority under the provisions of subsection (5) of this section;

- (e) gifts, devises, bequests or other moneys falling to be controlled by the Authority; and
- (f) the moneys that immediately prior to the date of the commencement of this Act were standing to the credit of the former Board.

(2) The moneys referred to in subsection (1) of this section shall be paid into, and be placed to the credit of, an account at the Treasury to be called the "National Parks Authority Account".

(3) All expenditure incurred by the Authority, for the purpose of giving effect to this Act, shall be paid from the National Parks Authority Account.

(4) If in any year the whole of the annual sum appropriated by Parliament for the purpose of the Authority is not expended, the unexpended balance shall be retained by the Authority and expended in the performance of the duties of the Authority in any subsequent year.

(5) Where any moneys standing to the credit of the National Parks Authority Account are not immediately required for the purposes of this Act, the Authority may invest them in any investment authorised by law for the investment of trust funds.

(6) The Authority shall cause accounts to be kept, in such form as the Treasurer may require, of all moneys received and of all moneys expended by the Authority.

(7) The National Parks Authority Account shall be audited as soon as is practicable after the close of each financial year by the Auditor General, who shall have in respect of the accounts of the Authority all the powers conferred on him by any law for the time being in force relating to the audit of Public Accounts.

Reports and  
audit.

39. (1) The Authority shall, in each year, as soon as practicable after the completion of the audit, submit to the Minister a report on the operation of this Act during the year ending on the preceding thirtieth day of June, including a statement of the financial position at the close of that year as audited by the Auditor General, and the report, if any, of the Auditor General thereon.

(2) The Minister shall cause a copy of every report received by him pursuant to subsection (1) of this section to be laid before each House of Parliament, within nine sitting days of that House after the receipt of the report by him.

Local  
Authority  
by-laws.

40. (1) Subject to the provisions of this section, a local authority may make by-laws for carrying into effect the provisions of this Act within its district, and may repeal, amend, vary or suspend the operation of any such by-law.

(2) The Governor may cause to be prepared and published in the *Government Gazette* model by-laws for the purpose of carrying into effect the provisions of this Act.

(3) A local authority may, by resolution, adopt the whole or any portion of any such model by-law, with or without modification.

(4) Any by-law may be restricted in its operation to any defined portion of a district.

(5) By-laws made under this Act are required to be confirmed by the Governor before being published in the *Government Gazette* and laid before each House of Parliament and shall be prepared or adopted with the necessary modifications but otherwise subject to the same procedures and requirements as if prepared or adopted by the local authority under and for the purposes of the provisions of the Local Government Act, 1960.

(6) Where a local authority adopts the whole or any part of a model by-law, prepared under this Act the by-law so adopted shall in all courts be deemed to be within the powers conferred on the local authority.

(7) Where there is conflict or inconsistency between the provisions of a by-law and the provisions of regulations made under this Act, the provisions of the regulations prevail to the extent of the conflict or inconsistency.

41. (1) The Authority may, with the approval Regulations. of the Governor, from time to time make, repeal or alter regulations for giving effect to this Act.

(2) Regulations made under this Act—

- (a) apply only within the boundaries of the land vested in or under the control or management of the Authority;
- (b) may be limited in their application to time, place or circumstance;
- (c) may provide that any act or thing may or shall be done with the approval or to the satisfaction of a specified person or class of persons;
- (d) may provide that any act or thing shall be, or shall not be, permitted;
- (e) may confer a discretionary authority; and
- (f) may impose a penalty not exceeding one thousand dollars for any breach or non-observance thereof.

(3) Without derogating from the generality of the power given by subsection (1) of this section, the Authority may make regulations not inconsistent with this Act as to—

- (a) the right of entry to, and the use of, any lands, caves or areas of water by persons, vehicles, and animals;

- (b) the use of vehicles, including provisions as to speed, manner of driving, class of vehicles, routes, entrances and exits, one-way traffic, noise, parking or standing, the removal of vehicles by a person authorized under that regulation, and for the control of traffic generally;
- (c) the use of boats and the foreshore including provisions as to moorings and safety procedures;
- (d) underwater activities, swimming, water skiing, fishing and other sports, including camping and the use of caravans;
- (e) the use, safety and preservation of buildings, structures, erections, fixtures, fittings and chattels;
- (f) the manner of use of land and facilities, including the prohibition of the taking or disturbance of, interference with or injury to any flora, fauna or fish;
- (g) the use of firearms, spear guns or other devices or means for the taking of fauna or fish;
- (h) the prohibition of nuisances, or any offensive, indecent or improper act, conduct, language or behaviour;
- (i) the prohibition, restriction or regulation of the possession, use or supply of alcoholic liquor or deleterious substances;
- (j) the burning or clearing by any means whatsoever of flora, or the lighting of fires or the doing of anything likely to cause a fire;
- (k) the use of land, including provisions as to the keeping of domestic animals or domestic birds, grazing, cultivation, squatting, the impounding of stock and damage done by stock, and the introduction or planting of vegetation;

- (l) the depositing of rubbish and the leaving of litter, prohibiting or regulating the erection of any building or structure whatsoever on any land or the depositing thereon of any property, and as to the removal and disposal of any rubbish, litter, building, structure or property and the cost of the removal and disposal;
- (m) the control of the cutting, construction or maintenance of roads or tracks or other means of communication;
- (n) the prohibition or regulation of the doing, without the prior approval of a ranger, of anything that interferes with the natural environment;
- (o) the prohibition or regulation of the introduction or use of any dangerous, poisonous or noxious substance; and
- (p) the fees and charges to be payable, the persons liable and the method of recovery of amounts not duly paid.

SCHEDULE.

**Provisions relating to the constitution  
and proceedings of the Authority.**

S. 7 (3).

1. (1) If a member of the Authority appointed to represent the interests of the public ceases to hold office before the expiration of the period of his appointment, another person may be appointed by the Governor on the nomination of the Minister in the place of that member for the remainder of that period.

Appoint-  
ments to  
fill casual  
vacancies.

(2) If at any time a member of the Authority ceases to hold office before the expiration of the period of his appointment, a person who was immediately prior thereto the deputy of that member is, until the vacancy in the office of member is filled by the appointment of another member of the Authority or until the expiration of three months from the date that the member ceased to hold office, whichever is the lesser time, entitled to attend any meeting of the Authority and, when so attending, has all the powers, functions and duties of a member of the Authority.

Deputies. 2. (1) The Governor may, in respect of each member of the Authority, appoint a person representative of the same interests as that member to be his deputy.

(2) While taking the place of a member his deputy has all the powers and entitlements of the member under this Act, and any reference in this Act to a member shall be construed as including a reference to a deputy taking the place of that member.

Disqualifica-  
tion.

3. If a member of the Authority—

- (a) is an incapable person within the meaning of section 5 of the Mental Health Act, 1962;
- (b) is an undischarged bankrupt or person whose property is subject to an order or arrangement under the laws relating to bankruptcy;
- (c) is convicted of an indictable offence;
- (d) absents himself from three consecutive meetings of the Authority, otherwise than with the prior consent of the Minister; or
- (e) has his appointment terminated by the Governor for inability, inefficiency or misbehaviour,

his office becomes vacant and he is not eligible for re-appointment.

Chairman.

4. (1) The President shall, when present, preside at all meetings of the Authority.

(2) In the absence of the President the members of the Authority who are present at any meeting may elect one of their number to preside at that meeting.

Quorum.

5. To constitute a meeting of the Authority there must be not less than one-half of the members present.

Meetings.

6. The Minister or the President may at any time convene a meeting of the Authority, and a meeting shall be convened by the President within seven days of the receipt by him of a written request signed by two or more members specifying the business in respect of which the meeting is to be convened.

7. (1) At any meeting of the Authority, all questions shall be decided by a majority of the members present and voting.

(2) Each member, other than the member presiding, shall have a deliberative vote.

(3) In the case of an equality of votes the member presiding shall have a casting vote.

(4) The Authority may, if it thinks fit, transact any of its business by the circulation of papers amongst the members, and a resolution in writing approved in writing by a majority of the members shall be as valid and effectual as if it had been passed at a meeting of the Authority by the votes of the members so approving the resolution.

8. A record of the proceedings of every meeting of the Authority shall be kept in such manner as the Minister may direct or approve, and shall be amended as necessary and certified correct by the member presiding at the next succeeding meeting.

9. (1) A vacancy among the membership of the Authority shall not invalidate the proceedings of any meeting.

(2) All acts done at any meeting shall, notwithstanding it is afterwards discovered that there was some defect in the appointment or qualification of a person purporting to be a member, be as valid as if that defect had not existed.

10. (1) Subject to subparagraph (2) of this paragraph, members of the Authority or of any committee of the Authority shall be paid such remuneration and allowances as the Governor determines.

(2) The Governor shall not determine the remuneration and allowances to be paid—

(a) to a member or the deputy of a member; or

(b) to a person appointed a member of a committee of the Authority,

who is a person to whom the Public Service Act, 1904, applies except with the prior approval, in writing, of the Chairman of the Public Service Board.

(3) If a person who would otherwise be entitled to receive remuneration or allowances under this Act is or becomes a member of, or a candidate for election to, the Parliament of the State or of the Commonwealth, he shall not be paid such remuneration or allowances under this Act but shall, subject to the approval of the Governor, be reimbursed such expenses as he reasonably incurs by reason of his attendance at meetings or of his engagement, with the approval of the Authority, on business of the Authority.

Disputes.

11. In all cases of dispute, doubt or difficulty respecting or arising out of matters of procedure or order the decision of the President shall be final and conclusive.

Conduct of  
proceedings.

12. Subject to this Act the proceedings of the Authority may be regulated in such manner as the members think fit.

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