

Version No. 093
National Parks Act 1975
Act No. 8702/1975

Version incorporating amendments as at 17 June 2004

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Preamble

WHEREAS it is in the public interest that certain Crown land characterized by its predominantly unspoilt landscape, and its flora, fauna or other features, should be reserved and preserved and protected permanently for the benefit of the public:

And whereas it is in the public interest that certain areas of Crown land with landscape or other features of particular interest or suitability for the enjoyment, recreation and education of the public of or in matters appertaining to the countryside should be reserved permanently and made available for the benefit of the public and in particular that there should be so reserved and made available—

- (a) areas with scenic, historical, archaeological, biological, geological or other features of scientific interest that are worthy of preservation but, whether by reason of the limited size of the areas or the limited significance of the features, are not suitable for reservation as national parks;
- (b) areas that demonstrate man's effect on his environment whether through his agricultural or pastoral pursuits or otherwise;
- (c) areas in or adjacent to urban areas of natural beauty or interest or otherwise suitable for recreational use;

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(d) areas of natural beauty or interest primarily for recreational and educational use but parts of which may be used for primary industry, hunting, shooting, fishing or other uses appropriate to the areas; and

(e) areas in their natural state for scientific study or reference:

And whereas for those purposes it is expedient to consolidate amend and make further provision in the law relating to national parks and to make provision for certain other parks.

BE IT THEREFORE ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

PART I—PRELIMINARY

1. Short title and commencement

- (1) This Act may be cited as the **National Parks Act 1975**.
- (2) The several provisions of this Act shall come into operation on a day or on the respective days to be fixed by proclamation or successive proclamations of the Governor in Council published in the Government Gazette.

* * * * *

S. 1(3)
 amended by
 Nos 9114
 s. 2(a)(b), 9247
 s. 2(a)–(c),
 9570 s. 7(2),
 10073
 s. 13(2)(a)(b),
 10166 s. 14(2),
 repealed by
 No. 41/1987
 s. 103(Sch. 4
 item 49.1).

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s. 2**2. Repeals and savings**

- (1) The Acts mentioned in Schedule One to the extent thereby expressed to be repealed are hereby repealed accordingly.
- (2) Except as in this Act expressly or by necessary implication provided—
 - (a) all persons things and circumstances appointed or created by or under any of the repealed provisions mentioned in Schedule One or existing or continuing under any of those provisions immediately before the commencement of this section shall under and subject to this Act continue to have the same status operation and effect as they respectively would have had if those provisions had not been so repealed;
 - (b) in particular and without affecting the generality of the foregoing paragraph, such repeal shall not disturb the continuity of status operation or effect of any proclamation regulation order application determination decision recommendation direction registration tenancy lease licence encumbrance lien permission permit certificate exemption approval appointment delegation classification condition notice rent fee proceeding liability or right made effected issued granted given presented passed fixed accrued incurred or acquired or existing or continuing by or under any of those provisions before the commencement of this section.

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3. Definitions

- (1) In this Act unless inconsistent with the context or subject-matter—

"authorised officer" means a person appointed as an authorised officer under the **Conservation, Forests and Lands Act 1987** for the purposes of this Act;

"boat" means any means of transportation on water;

"Central Plan Office" means the Central Plan Office of the Department of Sustainability and Environment;

"committee" means an advisory committee appointed under this Act;

"Council" means the National Parks Advisory Council established under this Act;

"designated water supply catchment area" means either of the following areas of land—

- (a) the area of land shown hatched or cross-hatched on the plan in Part 10 of Schedule Two;
- (b) Crown Allotments 1, A and C, Parish of Manango and that portion of Crown Allotment B, Parish of Taponga south of the Warburton–Woods Point Road and the area of land shown hatched or cross-hatched on the plan in Part 39 of Schedule Two;

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S. 3(1) def. of "authorized officer" substituted by No. 66/2000 s. 35(1)(a).

S. 3(1) def. of "boat" inserted by No. 40/2002 s. 3(a).

S. 3(1) def. of "Central Plan Office" inserted by No. 46/1998 s. 7(Sch. 1), amended by No. 97/2003 s. 7.

S. 3(1) def. of "designated water supply catchment area" inserted by No. 57/1995 s. 4(1), amended by No. 50/2000 s. 4.

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"Director" means the Director of National Parks referred to in section 5;

S. 3(1) def. of "Director" amended by Nos 41/1987 s. 116(4), 57/1995 s. 32(1), substituted by No. 66/2000 s. 35(1)(b).

"exploration licence" means an exploration licence under Part 2 of the **Mineral Resources Development Act 1990**;

S. 3(1) def. of "exploration licence" inserted by No. 50/2002 s. 3.

"fish" has the same meaning as in the **Fisheries Act 1995**;

S. 3(1) def. of "fish" inserted by No. 40/2002 s. 3(a).

"fishing bait" has the same meaning as in the **Fisheries Act 1995**;

S. 3(1) def. of "fishing bait" inserted by No. 40/2002 s. 3(a).

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S. 3(1) def. of "fund" repealed by No. 9861 s. 3(1).

"gun" is a reference to a firearm, weapon or device of any description from which any shot, bullet or other missile can be discharged or propelled and includes any air-gun and also includes any firearm, weapon or device from which for the time being any shot, bullet or other missile cannot be discharged or propelled because of the absence or defect of some part or parts thereof or because of some obstruction therein, but which, if such part or parts were replaced renewed or repaired or such obstruction removed, would be capable of discharging a shot, bullet or other missile;

S. 3(1) def. of "gun" inserted by No. 9247 s. 4.

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S. 3(1) def. of
"marine
national park"
inserted by
No. 40/2002
s. 3(a).

"marine national park" means any land that, by reason of section 17D, is a marine national park for the purposes of this Act;

S. 3(1) def. of
"marine
sanctuary"
inserted by
No. 40/2002
s. 3(a).

"marine sanctuary" means any land that, by reason of section 17D, is a marine sanctuary for the purposes of this Act;

S. 3(1) def. of
"miner's
right"
inserted by
No. 50/2002
s. 3.

"miner's right" has the same meaning as in the **Mineral Resources Development Act 1990**;

S. 3(1) def. of
"mining
licence"
inserted by
No. 50/2002
s. 3.

"mining licence" means a mining licence under Part 2 of the **Mineral Resources Development Act 1990**;

"national park" means land that, by reason of section 17, is a national park for the purposes of this Act;

S. 3(1) def. of
"park"
amended by
Nos 38/1989
ss 4, 18(3)(a),
40/2002
s. 3(b).

"park" means a national park, State park, marine national park, marine sanctuary or land that by reason of section 17A or 18, is a park for the purposes of this Act;

"prescribed" means prescribed by this Act or the Regulations;

S. 3(1) def. of
"priority
species"
inserted by
No. 40/2002
s. 3(a).

"priority species" has the same meaning as in the **Fisheries Act 1995**;

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					S. 3(1) def. of "relevant land" inserted by No. 70/1998 s. 4, repealed by No. 40/2002 s. 3(c).
					"remote and natural area" means land that, by reason of section 21B, is a remote and natural area for the purposes of this Act;
					S. 3(1) def. of "remote and natural area" inserted by No. 40/1992 s. 16.
					"search" has the same meaning as in the Mineral Resources Development Act 1990 ;
					S. 3(1) def. of "search" inserted by No. 50/2002 s. 3.
					"Secretary" means the body corporate established under Part 2 of the Conservation, Forests and Lands Act 1987 ;
					S. 3(1) def. of "Secretary" inserted by No. 70/1998 s. 4.
					"take" means to gain possession or control of by any means;
					S. 3(1) def. of "take" inserted by No. 40/2002 s. 3(a).
					"tourist fossicking authority" means a tourist fossicking authority under Part 5 of the Mineral Resources Development Act 1990 ;
					S. 3(1) def. of "tourist fossicking authority" inserted by No. 50/2002 s. 3.
					"wilderness zone" means land that, by reason of section 22(4A) or (5), is a wilderness zone for the purposes of this Act.
					S. 3(1) def. of "wilderness zone" inserted by No. 40/1992 s. 16.

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S. 3(2)
amended by
Nos 9921
s. 255, 41/1987
s. 103(Sch. 4
item 49.2),
12/1989
s. 4(1)(Sch. 2
item 85.1),
44/1989
s. 41(Sch. 2
item 29.1(a)
(b)), 81/1989
s. 3(Sch. item
39(a)–(d)) (as
amended by
No. 25/1991
s. 5(2)(a)),
130/1993
s. 122(Sch. 4
item 10.1),
53/1994
s. 34(Sch. 1
item 6.1),
110/1994
s. 41(Sch. 1
item 7.1),
112/1994
s. 114(Sch. 5
item 6),
31/1995
s. 52(Sch. 1
item 7),
57/1995
s. 4(2),
104/1997
s. 53(1),
76/1998 s. 14,
30/2000 s. 37,
69/2000
s. 61(1),
66/2000
s. 35(2).

- (2) In this Act a reference to a public authority includes a reference to Government Departments the Roads Corporation the Secretary the Gas Transmission Corporation, GASCOR, Melbourne Water Corporation, SEC, VENCORP, a distribution company, a transmission company or a generation company within the meaning of **the Electricity Industry Act 2000**, Victorian Rail Track established by Division 2 of Part 2 of the **Rail Corporations Act 1996**, Authorities under the **Water Act 1989** municipal councils and such other bodies corporate or unincorporate declared by Order of the Governor in Council published in the Government Gazette to be public authorities for the purposes of this Act.

4. Objects of Act

The objects of this Act are—

- (a) to make provision, in respect of national parks, State parks, marine national parks and marine sanctuaries—

S. 4(a)
amended by
Nos 38/1989
s. 18(3)(b),
40/2002 s. 4.

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- (i) for the preservation and protection of the natural environment including wilderness areas and remote and natural areas in those parks; S. 4(a)(i)
amended by
No. 40/1992
s. 13.
 - (ii) for the protection and preservation of indigenous flora and fauna and of features of scenic or archaeological, ecological, geological, historic or other scientific interest in those parks; and
 - (iii) for the study of ecology, geology, botany, zoology and other sciences relating to the conservation of the natural environment in those parks; and
 - (iv) for the responsible management of the land in those parks; S. 4(a)(iv)
inserted by
No. 37/1989
s. 13.
 - (aa) to make further provision in respect of designated water supply catchment areas in national parks— S. 4(aa)
inserted by
No. 57/1995
s. 5.
 - (i) for the protection of those areas; and
 - (ii) for the maintenance of the water quality and otherwise for the protection of the water resources in those areas; and
 - (iii) for the restriction of human activity in those areas for the purposes of subparagraphs (i) and (ii);
 - (ab) to make provision in respect of wilderness parks— S. 4(ab)
inserted by
No. 38/1989
s. 5.
 - (i) for the protection, enhancement and management of those parks as wilderness so as to maximise the extent to which those parks are undisturbed by the influences of the European settlement of Australia; and
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- (ii) for the protection, preservation and evolution of the natural environment including indigenous flora and fauna and of features of ecological, geological, scenic, archaeological and other scientific significance; and
 - (iii) for the use and enjoyment of those parks by the public for inspiration, solitude and appropriate self-reliant recreation; and
 - (iv) for the study of ecology, geology, botany, zoology archaeology and other sciences relating to the environment in those parks;
- (b) in respect of parks described in Schedule Three—
- (i) to make provision, insofar as is appropriate to each such park, for the protection and preservation of indigenous flora and fauna and of features of scenic or archaeological, ecological, historic or other scientific interest; and
 - (ii) subject to such provision as is made under sub-paragraph (i), to make provision for the public to observe, experience or otherwise become acquainted in those parks with the countryside and rural skills activities and pursuits and for carrying on, in those parks and for those purposes, agricultural, horticultural, or other agrarian projects and botanical, biological, ecological, geological, zoological, or other scientific studies or projects; and
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- (c) to make provision in accordance with the foregoing for the use of parks by the public for the purposes of enjoyment, recreation or education and for the encouragement and control of that use.
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 Part II—Administration

s. 5

PART II—ADMINISTRATION

5. Director

The person who is the Chief Executive Officer of Parks Victoria, appointed under the **Parks Victoria Act 1998**, is the Director of National Parks.

S. 5
 amended by
 Nos 41/1987
 s. 116(4),
 57/1995
 s. 32(2),
 46/1998
 s. 7(Sch. 1),
 substituted by
 Nos 70/1998
 s. 5, 66/2000
 s. 36.

6. Function of the Director

The function of the Director is to advise the Minister and the Secretary about the operational elements of management of land to which this Act applies.

S. 6
 substituted by
 No. 70/1998
 s. 5,
 amended by
 No. 66/2000
 s. 37.

S. 7
 repealed by
 No. 70/1998
 s. 5.

* * * *

S. 8
 amended by
 Nos 50/1988
 s. 93(2)(Sch. 2
 Pt 2 item 39),
 46/1998
 s. 7(Sch. 1),
 repealed by
 No. 70/1998
 s. 5.

* * * *

S. 9
 amended by
 Nos 9114
 s. 11(c), 10166
 s. 5, 46/1998
 s. 7(Sch. 1),
 repealed by
 No. 70/1998
 s. 5.

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Part II—Administration

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10. National Parks Advisory Council

- (1) For the purposes of this Act, there shall be a National Parks Advisory Council consisting of the Director and eight other members appointed by the Governor in Council of whom¹—
- (aa) one shall be the Secretary or his or her nominee;
- (a) one shall be nominated by the Minister from a panel of not less than three names submitted by Environment Victoria Inc.;
- (b) one shall be nominated by the Minister from a panel of not less than three names submitted by the Victorian National Parks Association;
- (c) one shall be a professor or teacher of ecology biology or earth science at a University in Victoria who is nominated by the Minister;
- (d) one shall be nominated by the Minister from a panel of not less than three names submitted by the Municipal Association of Victoria within the meaning of the **Municipal Association Act 1907**; and
- (e) four shall be persons (at least two of whom reside outside the metropolitan area as defined in section 201 of the **Melbourne and Metropolitan Board of Works Act 1958**) with experience in matters affecting the interests of the community nominated by the Minister.
- (2) Where the Minister by notice in writing given to the Environment Victoria Inc., the Victorian National Parks Association, or the Municipal Association of Victoria, requests the body to whom the notice is directed to submit to him the

S. 10(1)
amended by
No. 44/1986
s. 5(1)(a).

S. 10(1)(aa)
inserted by
No. 66/2000
s. 38(1)(a).

S. 10(1)(a)
amended by
No. 66/2000
s. 38(1)(b).

S. 10(1)(e)
amended by
Nos 44/1986
s. 5(1)(b)(i)(ii),
45/1987
s. 205(Sch.
item 100),
74/2000
s. 3(Sch. 1
item 87.1).

S. 10(2)
amended by
No. 66/2000
s. 38(2)(a)–(c).

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s. 11

name of a person for nomination under paragraph (a), (b) or (d) of sub-section (1) and that body does not within 21 days or such longer period as the Minister specifies after the notice is given comply with the request, the Minister may nominate a person who appears to him suitable for appointment to the National Parks Advisory Council.

11. Functions of National Parks Advisory Council

- (1) The functions of the National Parks Advisory Council are—
 - (a) to advise the Minister generally in relation to the administration of this Act and on particular matters in relation to that administration on which its advice is sought by the Minister;
 - (aa) to advise the Minister on any proposed excision from a park referred to it by the Minister;
 - (b) to act as a committee of management in accordance with section 12; and
 - (c) to submit to the Minister within three months after each year ending on the 30th day of June a report on the performance of its functions during that year.
- (2) The Minister shall cause a report under sub-section (1) to be laid before both Houses of Parliament within three weeks after it is received or, if Parliament is not then sitting, within three weeks after the next assembling of Parliament.

S. 11(1)(aa)
inserted by
No. 50/2000
s. 5(1).

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s. 12

- (3) The Minister must cause a copy of any advice received under sub-section (1)(aa) to be laid before both Houses of Parliament within 10 sitting days after it is received.

S. 11(3)
inserted by
No. 50/2000
s. 5(2).

12. National Parks Advisory Council may be appointed as committee of management of certain land

- (1) The National Parks Advisory Council may, on the recommendation of the Minister and the Minister for the time being administering the **Conservation, Forests and Lands Act 1987**, be appointed under section 14 of the **Crown Land (Reserves) Act 1978** as a committee of management of land—

S. 12(1)
amended by
Nos 9114 s. 5,
9212 s. 2(2),
41/1987
s. 103(Sch. 4
item 49.3).

- (a) reserved under that Act for the purposes of a park;
- (b) purchased or acquired for and on behalf of Her Majesty under the **Crown Land (Reserves) Act 1978** on the recommendation of the Minister and which the Minister recommends should be managed by the council;
- (c) deemed under section 3 of the **Victorian Conservation Trust Act 1972** to be reserved;
- (d) reserved under the **Crown Land (Reserves) Act 1978** for other purposes in respect of which notice has been given by the Governor in Council under section 10(3) of the **Land Conservation Act 1970** and in respect of which the Minister recommends to the Minister for the time being administering the **Conservation, Forests and Lands Act 1987** that it would be appropriate for the Council to be appointed as a committee of management of the land.

S. 12(1)(b)
amended by
No. 9570
s. 11(1).

S. 12(1)(c)
amended by
No. 38/1995
s. 21(a).

S. 12(1)(d)
amended by
Nos 9570
s. 11(1),
41/1987
s. 103(Sch. 4
item 49.4).

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s. 13

- (2) The appointment of the National Parks Advisory Council as a committee of management does not have effect for a period, or for two or more periods in the aggregate, exceeding two years, unless the Parliament has, by resolution of each House, otherwise resolved.

13. Members of National Parks Advisory Council

- (1) A member of the National Parks Advisory Council holds office for such period, not exceeding three years, as is specified in the instrument of his appointment but is eligible for re-appointment.
- (2) The Governor in Council may remove a member of the Council from office.
- (3) A member of the Council may resign his office by writing signed by him and delivered to the Governor in Council.
- (4) A member of the Council shall be paid such fees as are fixed from time to time by the Governor in Council and such travelling and other allowances as are prescribed².
- (5) The Convenor of the Council is such member of the Council as is for the time being appointed as Convenor by the Governor in Council³.
- (5A) Sub-sections (1), (2), (3), (4) and (5) do not apply to the Secretary and to the Director.
- (6) Meetings of the Council shall be convened by the Convenor⁴.

S. 13(1)
amended by
No. 66/2000
s. 38(3)(a).

S. 13(2)
amended by
No. 66/2000
s. 38(3)(a).

S. 13(3)
amended by
No. 66/2000
s. 38(3)(a).

S. 13(4)
amended by
Nos 10166
s. 6(1),
66/2000
s. 38(3)(a).

S. 13(5)
amended by
Nos 10166
s. 7(1),
66/2000
s. 38(3)(b).

S. 13(5A)
inserted by
No. 66/2000
s. 38(4).

S. 13(6)
amended by
No. 10166
s. 7(1).

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s. 14

- (7) At a meeting a quorum is constituted by a majority of the members of the Council for the time being holding office.
- (8) The Convenor shall preside at a meeting of the Council at which he is present and if he is not present at a meeting, the members present shall elect one of their number to preside at the meeting⁵.
- (9) Subject to this Act and the regulations, the Council may regulate its proceedings.

S. 13(8)
amended by
No. 10166
s. 7(1).

14. Advisory committees

- (1) For the purposes of this Act, the Minister may, where he considers it appropriate in respect of a park or parks, appoint an advisory committee in respect of that park or those parks.
- (2) An advisory committee shall consist of not less than five and not more than ten members appointed by the Minister one of whom shall be appointed by the Minister as Convenor⁶.
- (3) Subject to this Act, a member of a committee holds office for such period, not exceeding three years, as is specified in his instrument of appointment but is eligible for re-appointment.
- (4) The Minister may remove a member of a committee from office and a member may resign his office by writing signed by him and delivered to the Minister.
- (5) A member of a committee shall be paid such travelling allowances as are prescribed.
- (6) Meetings of a committee shall be convened by the Convenor⁷.

S. 14(2)
amended by
No. 10166
s. 7(2).

S. 14(6)
amended by
No. 10166
s. 7(2).

*National Parks Act 1975**Act No. 8702/1975*

Part II—Administration

s. 15

S. 14(8)
amended by
No. 10166
s. 7(2).S. 15
amended by
No. 70/1998
s. 14(Sch.
item 1).No. 8083
s. 12(8).

- (7) At a meeting of a committee a quorum is constituted by a majority of the members of the committee for the time being holding office.
- (8) The Convenor of a committee shall preside at a meeting of the committee at which he is present and if he is not present at a meeting, the members present shall elect one of their number to preside at the meeting⁸.
- (9) Subject to this Act and the regulations, a committee may regulate its proceedings.

15. Function of advisory committees

The function of an advisory committee is to make recommendations to the Secretary relating to the care and control of the park or parks in respect of which it is appointed.

16. Certain offices deemed not to be office of profit under Crown

Where a member of Parliament or a person who is receiving or is entitled to receive a pension under Division 4 of Part II of **The Constitution Act Amendment Act 1958** or a superannuation benefit under the **Parliamentary Contributory Superannuation Act 1962** or the **Parliamentary Salaries and Superannuation Act 1968**, is or is appointed a member of the Council or of an advisory committee or as a member of a committee receives a fee or a travelling or other allowance under this Act such member or person shall not for the purposes of Division 4 of the said Part II or of section 8 of the **Parliamentary Contributory Superannuation Act 1962** or of section 23 of the **Parliamentary Salaries and Superannuation Act 1968** (as the case may be) be deemed to have accepted or held an office or place of profit under the Crown.

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Part II—Administration

s. 16A**16A. Secretary may enter into management agreements**

The Secretary may enter into a management agreement with Parks Victoria for the management of the whole or any part of—

- (a) a national park or State park under section 17;
- (b) a wilderness park under section 17A;
- (c) a marine national park or marine sanctuary under section 17D;
- (d) a park under section 18;
- (e) land to which an Order in force under section 19F(1) applies;
- (f) land managed under section 19AA, 19A, 19C, 19E or 32AA.

S. 16A
inserted by
No. 70/1998
s. 6,
amended by
No. 40/2002
s. 5.

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s. 17

Pt 3
(Heading)
amended by
No. 38/1989
s. 18(3)(c).

**PART III—NATIONAL PARKS, STATE PARKS AND OTHER
PARKS**

Pt 3 Div. 1
(Heading)
amended by
No. 38/1989
s. 18(3)(d).

Division 1—National Parks and State Parks

17. National parks and State parks

(1) Each area of land described in a part of Schedule Two is, for the purposes of this Act, a national park under the name specified in that part.

(1A) Each area of land described in a part of Schedule Two B is, for the purposes of this Act, a State park under the name specified in that part.

(2) The Secretary shall, subject to this Act—

S. 17(1A)
inserted by
No. 38/1989
s. 18(1).

S. 17(2)
amended by
No. 70/1998
s. 14(Sch.
item 2).

S. 17(2)(a)
amended by
No. 38/1989
s. 18(2)(a).

(a) ensure that each national park and State park is controlled and managed, in accordance with the objects of this Act, in a manner that will—

- (i) preserve and protect the park in its natural condition for the use, enjoyment and education of the public;
- (ii) preserve and protect indigenous flora and fauna in the park;
- (iii) exterminate or control exotic fauna in the park;
- (iv) eradicate or control exotic flora in the park; and

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|---|--|
| <p>(v) preserve and protect wilderness areas in the park and features in the park of scenic, archaeological, ecological, geological, historic or other scientific interest;</p> | |
| <p>(aa) have regard to all classes of management actions that may be implemented for the purposes of maintaining and improving the ecological function of the park;</p> | <p>S. 17(2)(aa)
inserted by
No. 50/2002
s. 4(1).</p> |
| <p>(b) ensure that appropriate and sufficient measures are taken to protect each national park and State park from injury by fire;</p> | <p>S. 17(2)(b)
amended by
No. 38/1989
s. 18(2)(b).</p> |
| <p>(ba) ensure that appropriate and sufficient measures are taken (including seeking the making of an appropriate agreement under section 32I(1))—</p> <p style="margin-left: 20px;">(i) to protect designated water supply catchment areas; and</p> <p style="margin-left: 20px;">(ii) to maintain the water quality of and otherwise protect the water resources in those areas; and</p> <p style="margin-left: 20px;">(iii) to restrict human activity in those areas for the purposes of sub-paragraphs (i) and (ii);</p> | <p>S. 17(2)(ba)
inserted by
No. 57/1995
s. 6(1).</p> |
| <p>(c) promote and encourage the use and enjoyment of national parks and State parks by the public and the understanding and recognition of the purpose and significance of national parks and State parks; and</p> | <p>S. 17(2)(c)
amended by
No. 38/1989
s. 18(2)(c).</p> |
| <p>(d) prepare a plan of management in respect of each national park and State park.</p> | <p>S. 17(2)(d)
amended by
No. 38/1989
s. 18(2)(d).</p> |
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s. 17

S. 17(2A)
inserted by
No. 50/2002
s. 4(3).

S. 17(2B)
inserted by
No. 50/2002
s. 4(3).

S. 17(3)
inserted by
No. 57/1995
s. 6(2),
amended by
No. 70/1998
s. 14(Sch.
item 2).

S. 17(4)
inserted by
No. 57/1995
s. 6(2),
amended by
No. 70/1998
s. 14(Sch.
item 2).

- (2A) In relation to a national park or State park created after the commencement of section 4 of the **National Parks (Box-Ironbark and Other Parks) Act 2002** the Minister must cause a report for that park, setting out the information prescribed in sub-section (2B), to be laid before each House of Parliament within 12 months of the creation of that park, or, if either House is not then sitting, within 5 sitting days of that House after that date.
- (2B) A report prepared under sub-section (2A) must—
- (a) set out the priorities for the achievement of the management objectives listed in sub-section (2); and
 - (b) set out the actions that are required to achieve those priorities through the management plan; and
 - (c) set out the funding that has been allocated to achieving those priorities; and
 - (d) be independently assessed.
- (3) The Secretary, before exercising any power or performing any function or duty under this Act in a designated water supply catchment area, must, in so far as is reasonably necessary, consult with Melbourne Water Corporation.
- (4) It is sufficient compliance with sub-section (3) for the Secretary to have entered into a management agreement with Melbourne Water Corporation under section 32I.

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s. 17A

Division 1A—Wilderness Parks

Pt 3 Div. 1A
(Heading and
ss 17A–17C)
inserted by
No. 38/1989
s. 6.

17A. Wilderness parks—Schedule Two A

S. 17A
inserted by
No. 38/1989
s. 6.

- (1) Each area of land described in a part of Schedule Two A is, for the purposes of this Act, a wilderness park under the name specified in that part.
- (2) The Secretary must ensure that each wilderness park is controlled and managed in accordance with the objects of this Act in a manner that will protect and enhance the park as a wilderness including, insofar as is practicable and appropriate, the taking of measures—
 - (a) to preserve and protect—
 - (i) the natural environment including indigenous flora and fauna and features of ecological, geological or scenic significance; and
 - (ii) features of archaeological or historic significance; and
 - (iii) features of scientific significance; and
 - (b) for the eradication or control of non-indigenous flora and non-indigenous fauna; and
 - (c) for the control of indigenous fauna to the extent necessary for the preservation and protection of any species; and
 - (d) subject to paragraph (a), for the removal of evidence of developments of non-aboriginal origin.

S. 17A(2)
amended by
No. 70/1998
s. 14(Sch.
item 3).

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Part III—National Parks, State Parks and Other Parks

s. 17B

S. 17A(3)
amended by
No. 70/1998
s. 14(Sch.
item 3).

- (3) Subject to sub-section (2), the Secretary—
- (a) must ensure that opportunities are provided for solitude and appropriate self-reliant recreation in a wilderness park; and
 - (b) must promote the understanding and appreciation of the purpose and significance of wilderness and the proper use of wilderness by the public.

S. 17B
inserted by
No. 38/1989
s. 6,
amended by
No. 70/1998
s. 14(Sch.
item 4).

17B. Management plans

The Secretary must, within two years of the inclusion of each wilderness park in Schedule Two A, prepare a management plan in respect of the park which must be consistent with the principles set out in this Division for the management of wilderness parks.

S. 17C
inserted by
No. 38/1989
s. 6.

17C. Prohibition on development and other activities

S. 17C(1)
amended by
No. 70/1998
s. 14(Sch.
item 5).

- (1) The Secretary must ensure that in a wilderness park—
- (a) there are no roads, structures or installations; and
 - (b) no commercial activity or development is carried out; and
 - (c) there is no use of any form of motorized or mechanical transport; and
 - (d) there is no use of any non-indigenous animal; and
 - (e) there is no hunting.

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s. 17C

(2) Sub-section (1) does not apply to—

- | | |
|---|---|
| <p>(a) any road, structure or installation or any use of motorized or mechanical transport or any use, control or destruction of non-indigenous animals which the Secretary considers is essential for the responsible management of the park; or</p> | <p>S. 17C(2)(a) amended by No. 70/1998 s. 14(Sch. item 5).</p> |
| <p>(b) permanent survey markers existing at the date of commencement of section 6 of the National Parks (Amendment) Act 1989; or</p> | |
| <p>(c) any commercial tours or activities not involving motorized or mechanical transport or the use of animals which the Secretary considers is appropriate for the appreciation and understanding of wilderness; or</p> | <p>S. 17C(2)(c) amended by No. 70/1998 s. 14(Sch. item 5).</p> |
| <p>(d) any non-commercial mechanical activity approved by the Secretary; or</p> | <p>S. 17C(2)(d) amended by No. 70/1998 s. 14(Sch. item 5).</p> |
| <p>(e) any scientific investigation or study of wilderness parks which the Secretary considers is appropriate and does not affect the value of the area as wilderness and cannot be carried out elsewhere; or</p> | <p>S. 17C(2)(e) amended by No. 70/1998 s. 14(Sch. item 5).</p> |
| <p>(f) any measures which the Secretary considers are necessary to provide for the health and safety of persons within the area, the prevention and control of fire or emergencies relating to the control of diseases; or</p> | <p>S. 17C(2)(f) amended by Nos 40/1992 s. 8(a), 70/1998 s. 14(Sch. item 5), 74/2000 s. 3(Sch. 1 item 87.2).</p> |
| <p>(g) deer hunting by stalking or the carrying of firearms or other weapons for that purpose, in the wilderness park referred to in Part 2 of Schedule Two A, if carried out in accordance with an authority or permit under section 37.</p> | <p>S. 17C(2)(g) inserted by No. 40/1992 s. 8(a).</p> |

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Part III—National Parks, State Parks and Other Parks

s. 17D

S. 17C(3)
amended by
No. 70/1998
s. 14(Sch.
item 5).

Pt 3 Div. 1B
(Heading and
s. 17D)
inserted by
No. 40/2002
s. 6.

S. 17D
inserted by
No. 40/2002
s. 6.

- (3) In a wilderness park, the Secretary may carry out works and maintenance necessary to enable anything permitted under sub-section (2) to be done and, where degradation has occurred as a result of essential management activities, must undertake rehabilitation as soon as practicable.

Division 1B—Marine National Parks and Marine Sanctuaries

17D. Marine national parks and marine sanctuaries

- (1) The land described in a Part of Schedule Seven is, for the purposes of this Act, a marine national park under the name specified in that Part.
- (2) The land described in a Part of Schedule Eight is, for the purposes of this Act, a marine sanctuary under the name specified in that Part.
- (3) The Secretary must—
 - (a) ensure that each marine national park and each marine sanctuary is controlled and managed, in accordance with the objects of this Act, in a manner that will—
 - (i) preserve and protect the natural environment and indigenous flora and fauna of the park and any features of the park which are of geological, geomorphological, ecological, scenic, archaeological, historic or other scientific interest; and
 - (ii) promote the prevention of the introduction of exotic flora and fauna into the park; and
 - (iii) provide for the eradication or control of exotic flora and fauna found in the park; and

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- (b) subject to paragraph (a)—
 - (i) provide for the use, enjoyment and understanding of marine national parks and marine sanctuaries by the public; and
 - (ii) promote an understanding of the purpose and significance of marine national parks and marine sanctuaries; and
- (c) prepare a plan of management in respect of each marine national park and each marine sanctuary.

Division 2—Other Parks

18. Other parks

- (1) Each area of land described in a part of Schedule Three is, for the purposes of this Act, a park under the name specified in that part.
- (2) The Secretary shall, subject to this Act—
 - (a) ensure that each park referred to in subsection (1) is controlled and managed in accordance with the objects of this Act in a manner that will, insofar as is appropriate to the park—
 - (i) preserve, protect and re-establish indigenous flora and fauna in the park;
 - (ii) preserve and protect features in the park of scenic, archaeological, ecological, geological, historic or other scientific interest;
 - (iii) enable the park to be used by the public for the enjoyment, observation and study of the countryside and its

S. 18(2)
amended by
No. 70/1998
s. 14(Sch.
item 6).

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pursuits, its flora and fauna, its ecology and geology and other features; and

- (iv) control exotic flora and fauna in the park;
- (b) ensure that proper and sufficient measures are taken to protect each park referred to in sub-section (1) from injury by fire;
- (c) promote and encourage the use and enjoyment of parks referred to in sub-section (1) by the public; and
- (d) prepare a plan of management in respect of each park referred to in sub-section (1).

Division 3—General Provisions

No. 8083 s. 6.

19. Powers of Minister

- (1) The Minister—
 - (a) may accept gifts, devises, bequests and assignments of real or personal property whether on trust or otherwise;
 - (b) may accept a gift or devise of land subject to a condition entitling the donor or a nominee of the donor or testator to occupy the land during the lifetime of the donor or nominee or for any other specified period; and
 - (c) may act as executor or administrator of an estate or as trustee of moneys or other property where in the opinion of the Minister it is expedient to do so for or in connexion with giving effect to the objects of this Act.
- (2) Subject to this Act, the Minister may, in respect of a park which is not a wilderness park—
 - (a) after consultation with the National Parks Advisory Council, grant to a person for a period not exceeding twenty years a tenancy

S. 19(2)
 amended by
 No. 38/1989
 s. 7.

National Parks Act 1975
Act No. 8702/1975

Part III—National Parks, State Parks and Other Parks

s. 19

of land in the park having an area of not more than one hectare for use as a kiosk cafe or store or for scientific research or for a ski tow at such rent and subject to such terms and conditions as the Minister determines; and

- (b) after consultation with the National Parks Advisory Council grant to a person a tenancy of a camping ground or building in the park for a period not exceeding seven years at such rent and subject to such terms and conditions as the Minister determines.
- (3) Where a tenancy has been or is to be granted to a person pursuant to paragraph (b) of sub-section (2), the Minister may in writing and for such fees and charges and subject to such terms conditions and covenants as he determines, grant to the person for the whole or any part of the period of the tenancy, a licence to use—
 - (a) any—
 - (i) buildings which are outbuildings in relation to the buildings to which the tenancy relates;
 - (ii) structures (other than buildings) apparatus or equipment in the immediate vicinity of the building to which the tenancy relates—

for the respective purposes for which each is provided and for any other purpose incidental to the use of the building in accordance with the agreement;
 - (b) land immediately about the building to which the tenancy relates and other land immediately about any outbuildings structures apparatus or equipment authorized by the agreement to be used, as necessarily

S. 19(2)(b)
 amended by
 No. 44/1986
 s. 6(i)(ii).

S. 19(2A)
 inserted by
 No. 9114 s. 6,
 re-numbered
 as s. 19(3) by
 No. 9570
 s. 4(a).

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s. 19AA

incidental to the use of the building
outbuilding structure apparatus or equipment
in accordance with the agreement.

S. 19(4)
Inserted by
No. 9570
s. 4(b),
amended by
No. 10073
s. 5(a)(b).

- (4) Where land has been purchased or acquired (or possession of land has been taken under a contract for the purchase of land) under section 5 of the **Crown Land (Reserves) Act 1978** for the purposes of a park or any purpose mentioned in section 5(2) of that Act the Minister notwithstanding the provisions of section 5(7) of that Act—

- (a) may enter into an agreement for the occupation of the land by the vendor of the land or his nominee subject to such terms and conditions as the Minister thinks fit;
- (b) may grant a tenancy of or a permit to manage or occupy a building or facility on the land at such rent, charge or fee for such period not exceeding seven years and subject to such terms and conditions as he thinks fit; and
- (c) may grant a licence in respect of the land for such fees and other charges and for such period not exceeding seven years and subject to such terms and conditions as he thinks fit for any purpose or any purpose of a like nature to a purpose for which the land was being used at the time it was purchased or acquired or possession of it was taken.

S. 19(4)(c)
amended by
No. 10073
s. 5(c).

19AA. Management of land prior to its reservation

- (1) Subject to section 19B, where possession of land has been taken pursuant to the compulsory acquisition of the land or under a contract for the purchase of the land under section 5 of the **Crown Land (Reserves) Act 1978** for the purposes of a park or for any purpose referred to in paragraphs (l) to (o) of section 4(1) of the

S. 19AA
inserted by
No. 10166 s. 8,
amended by
Nos 38/1989
s. 19(a),
70/1998
s. 14(Sch.
item 7).

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Part III—National Parks, State Parks and Other Parks

s. 19A

Crown Land (Reserves) Act 1978 the Minister may direct the Secretary to undertake the management of the land pursuant to this section until the land is placed under the control and management of the Secretary pursuant to section 18(1) of the **Crown Land (Reserves) Act 1978**.

- (2) Where the Secretary undertakes the management of land pursuant to a direction of the Minister under sub-section (1)—

S. 19AA(2)
amended by
No. 70/1998
s. 14(Sch.
item 7).

(a) the land shall be used and managed as though it were a park; and

(aa) regulations made under this Act, which apply to land described in Schedule Three apply to the land—

S. 19AA(2)(aa)
inserted by
No. 38/1989
s. 19(b).

(i) insofar as they are specified to apply by proclamation of the Governor in Council published in the Government Gazette; and

(ii) until regulations are made under paragraph (b) which apply to the land; and

(b) the Governor in Council may make regulations in respect of the land as though the land were a park.

19A. Management agreements with Victoria Conservation Trust

S. 19A
inserted by
No. 9114 s. 7.

- (1) Where land vested in the Trust for Nature (Victoria) (hereinafter called "the Trust") will in the future be surrendered and conveyed or transferred to the Crown for use as a park (whether within the meaning of this Act or not) or part of a park (whether within the meaning of this Act or not) or for a purpose or purposes (whether described in the same terms or terms to the like effect) for which it is within the object of this Act

S. 19A(1)
amended by
Nos 38/1995
s. 21(b),
70/1998
s. 14(Sch.
item 8).

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to make provisions in relation to a park and the land is suitable to be a park or part of a park under this Act the Minister may enter into an agreement with the Trust for the management of the land by the Secretary.

- (2) Where the Secretary undertakes the management of land pursuant to an agreement under this section, the land shall be used and managed as though it was (as the case requires in accordance with the agreement) a national park or other park or part of a national park or other park.

- (2A) Where an agreement is in force under this section for the management of land—

(a) sections 9(2) and (3), 20, 21A, 36, 37, 38, 39, 41, 41A, 43, 44, 45, 46, 47, 47A, 47B, 47C and 48; and

(b) sections 17A, 17B, 17C, 19(2) and (3), 21, 22, 23, 24, 25A, 26, 26A, 33 and 40 as the agreement specifically provides—

shall have effect in and in respect of the land as if it were (as the case requires in accordance with the agreement) a national park or other park or part of a national park or other park.

- (3) The Governor in Council may make regulations with respect to land subject to an agreement under this section as though the land was (as the case requires in accordance with the agreement) land described in Schedule Two or Schedule Three.
- (4) Nothing in this section shall be construed as authorizing the Minister the Secretary the Governor in Council or any other person to do or agree to do or cause or permit to be done or make any provision for the doing of anything which would not be consistent with any trust condition covenant or other restriction relating to the use of any land referred to in sub-section (1).

S. 19A(2)
amended by
No. 70/1998
s. 14(Sch.
item 8).

S. 19A(2A)
inserted by
No. 10166 s. 9.

S. 19A(2A)(b)
amended by
No. 38/1989
s. 8.

S. 19A(4)
amended by
No. 70/1998
s. 14(Sch.
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19B. Secretary to manage reserved land

- (1) Where any land temporarily or permanently reserved under section 4 of the **Crown Land (Reserves) Act 1978** is placed under the control and management of the Secretary pursuant to section 18 of that Act the Secretary shall control manage and use the land for the purposes for which it is reserved.
- (2) For the purposes of this section the Secretary shall be deemed to have the same powers functions and duties as a committee of management under section 15(1) of the **Crown Land (Reserves) Act 1978**.
- (3) Notwithstanding the provisions of sub-sections (1) and (2) of this section, where the land is subject to a notice pursuant to section 10(3) of the **Land Conservation Act 1970** requiring that effect be given to a recommendation of the Land Conservation Council the Secretary may give effect to that recommendation even if the recommendation conflicts with the purpose for which the land is reserved.
- (4) The Governor in Council may on the recommendation of the Secretary make regulations for and with respect to any of the matters referred to in sub-paragraphs (ii) to (xi) of section 13(1) of the **Crown Land (Reserves) Act 1978** in relation to the land as if—
 - (a) any reference in that section to a committee of management were a reference to the Secretary; and
 - (b) any reference in that section to the land were a reference to land under this section.

S. 19B
inserted by
No. 9247 s. 14.

S. 19B(1)
amended by
Nos 70/1998
s. 14(Sch.
item 9),
50/2002
s. 4(2).

S. 19B(2)
amended by
No. 70/1998
s. 14(Sch.
item 9).

S. 19B(3)
amended by
No. 70/1998
s. 14(Sch.
item 9).

S. 19B(4)
amended by
No. 70/1998
s. 14(Sch.
item 9).

S. 19B(4)(a)
amended by
No. 70/1998
s. 14(Sch.
item 9).

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S. 19B(5)
inserted by
No. 9570 s. 5.

S. 19B(6)
inserted by
No. 38/1989
s. 20,
amended by
Nos 70/1998
s. 14(Sch.
item 9),
50/2002
s. 4(4).

S. 19B(7)
inserted by
No. 38/1989
s. 20.

S. 19C
inserted by
No. 9570 s. 6.

S. 19C(1)
amended by
Nos 44/1986
s. 7, 70/1998
s. 14(Sch.
item 10).

(5) Sub-sections (5), (6), (7) and (8) of section 13 of the **Crown Land (Reserves) Act 1978** apply to regulations made under sub-section (4) of this section as if they had been made under section 13(1) of the **Crown Land (Reserves) Act 1978** and as if the reference in sub-section (8) to officers and servants employed by the committee of management or the trustee of any land was a reference to officers or employees appointed or employed for the purposes of this Act.

(6) Despite section 18(2) of the **Crown Land (Reserves) Act 1978**, regulations made under section 13 of that Act continue to apply to land placed under the control and management of the Secretary under section 18 of that Act until regulations are made under sub-section (4).

(7) A reference to an authorised officer in regulations to which sub-section (6) applies is to be taken to mean an authorised officer under this Act.

19C. Minister may make management agreements with public authorities

(1) Where any land is vested in or controlled or managed by a public authority the Minister and the public authority may enter into an agreement for the management of the land by the Secretary as if it were part of a park specified in the agreement.

(2) Where an agreement is in force under this section for the management of land—

(a) the land shall, except as otherwise expressly provided in the agreement, be controlled and managed as if it were part of the park specified in the agreement;

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|---|---|
| <p>(b) sections 9(2) and (3), 20, 21A, 36, 37, 38, 39, 41, 41A, 43, 44, 45, 46, 47, 47A, 47B, 47C and 48 and the regulations under this Act applying to the park shall have effect in and in respect of the land as if it were part of the park specified in the agreement; and</p> | <p>S. 19C(2)(b)
amended by
No. 10166
s. 10.</p> |
| <p>(c) such of sections 17A, 17B, 17C, 19(2) and (3), 21, 22, 23, 24, 25A, 26, 26A, 33 and 40 as the agreement specifically provides shall have effect in and in respect of the land as if it were part of the park specified in the agreement; and</p> | <p>S. 19C(2)(c)
amended by
Nos 38/1989
s. 9, 57/1995
s. 7.</p> |
| <p>(d) in the case of an agreement with respect to land which abuts a park in which there is a designated water supply catchment area, such of sections 32H, 32N and 38A as are specified in the agreement shall have effect with respect to the land as if it were part of the designated water supply catchment area specified in the agreement.</p> | <p>S. 19C(2)(d)
inserted by
No. 57/1995
s. 7.</p> |
| <p>(3) Notwithstanding anything to the contrary in any other Act a public authority may by agreement under this section delegate to the Secretary any of the powers or functions imposed on it by or under any Act.</p> | <p>S. 19C(3)
inserted by
No. 44/1986
s. 8,
amended by
No. 70/1998
s. 14(Sch.
item 10).</p> |
| <p>(4) A committee of management appointed under the Crown Land (Reserves) Act 1978 must not delegate any of its powers or functions under that Act in relation to any land in the agreement unless the agreement provides that the Secretary will undertake or carry out these powers and functions in a manner which is not detrimental to the purposes for which the land was reserved.</p> | <p>S. 19C(4)
inserted by
No. 44/1986
s. 8,
amended by
No. 70/1998
s. 14(Sch.
item 10).</p> |

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S. 19D
inserted by
No. 9570 s. 6,
amended by
No. 70/1998
s. 7.

19D. Minister may make agreements with other States

The Minister may do any thing which in his opinion is necessary or convenient to ensure the co-operation of the government of the Commonwealth or the government of any other State in carrying out the purposes of this Act including entering into agreements with a Minister of the Crown in right of the Commonwealth or in right of any other State or with any authority constituted under law of the Commonwealth or of any other State for the management by the Secretary or another person of any land vested in the Crown or in a Minister of the Crown in the right of the Commonwealth or of any other State or in an authority constituted under the law of the Commonwealth or any other State on behalf of that Crown Minister or authority.

S. 19E
inserted by
No. 10166
s. 11.

19E. Leasing and managing of land adjacent to parks

- (1) The Minister may lease any land adjacent to a park (whether with or without an option for the Crown to purchase the land) which is suitable to be part of the park to which it is adjacent.
- (2) The Secretary shall undertake the management of any land leased under sub-section (1) as though it were part of the park to which it is adjacent and is specified in the lease.
- (3) Where any lease under sub-section (1) is in force in respect of land—
 - (a) the land shall be controlled and managed as if it were part of the park to which it is adjacent;
 - (b) sections 9(2) and (3), 20, 21A, 36, 37, 38, 39, 41, 41A, 43, 44, 45, 46, 47, 47A, 47B, 47C and 48 and the regulations under this Act applying to the park to which the land is adjacent and specified in the lease shall have

S. 19E(2)
amended by
No. 70/1998
s. 14(Sch.
item 11).

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effect in and in respect of the land as if it were part of the park specified in the lease; and

- (c) such of sections 17A, 17B, 17C, 19(2) and (3), 21, 22, 23, 24, 25, 25A, 26, 26A, 33 and 40 as the lease specifically provides shall have effect in and in respect of the land as if it were part of the park to which the land is adjacent and is specified in the lease.

S. 19E(3)(c)
amended by
No. 38/1989
s. 10.

19F. Order that land to be treated as a park for certain purposes

S. 19F
inserted by
No. 10166
s. 11.

- (1) The Governor in Council may by Order published in the Government Gazette declare that any area of land vested in the Minister pursuant to section 19(1) or managed by the Secretary pursuant to section 19A, 19AA, 19B, 19C, 19D, 19E or 32AA shall be an area of land to which all or such provisions of this Act and the regulations under this Act as are specified in the Order are to apply.
- (2) An Order made pursuant to sub-section (1) may amend Schedule Four or that Schedule as so amended—
- (a) by adding to the Schedule an item relating to an area of land and specifying the provisions of this Act and the regulations under this Act that shall apply to the land;
- (b) by altering any item in the Schedule, whether with respect to the land or the provisions of the Act or the regulations which are to apply to the land;
- (c) by revoking any item in the Schedule—

S. 19F(1)
amended by
Nos 44/1986
s. 9(a),
70/1998
s. 14(Sch.
item 12).

S. 19F(2)(b)
amended by
No. 38/1989
s. 35(a)(i).

and the Schedule as so amended shall have the same force and effect as if that amendment had been enacted in this Act.

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S. 19F(3)
 amended by
 Nos 38/1989
 s. 35(a)(ii),
 74/2000
 s. 3(Sch. 1
 item 87.3).

S. 19F(3)(a)
 amended by
 Nos 38/1989
 s. 35(a)(ii),
 74/2000
 s. 3(Sch. 1
 item 87.3).

S. 19F(3)(b)
 amended by
 Nos 38/1989
 s. 35(a)(ii),
 74/2000
 s. 3(Sch. 1
 item 87.3).

S. 19F(6)
 inserted by
 No. 44/1986
 s. 9(b).

- (3) Where any land is included in Schedule Four pursuant to an Order under this section—
- (a) the provisions of this Act or any regulations made pursuant to the Act shall not apply to the land except as specifically provided in Schedule Four;
 - (b) those provisions of the Act which are specified in Schedule Four to apply to the land shall apply to the land as though it were a park.
- (4) A copy of an Order under this section shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament is then sitting and if Parliament is not then sitting then within fourteen days after the next meeting of Parliament.
- (5) An Order under this section shall be revoked if each House of Parliament passes a resolution revoking the Order within eighteen sitting days after the Order has been laid before both Houses of Parliament.
- (6) An order may not specify that any provision of this Act or the regulations is to apply to any land that is subject to an agreement under section 19A, 19C, 19D or a lease under section 19E if there is an express term or condition to the contrary in the agreement or lease.

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20. Powers of Secretary

- (1) The Secretary may, subject to this Act, do all things necessary or desirable to achieve the objects of this Act and in particular—
 - (a) may initiate or investigate proposals for or in relation to the acquisition of land to be added to and form part of a park or to be established as a park;
 - (b) may, subject to sub-section (2), promote research study or investigation of matters that relate to the objects of this Act; and
 - (c) may with the approval of the Minister authorise the payment from money available for that purpose for or in connection with research, study or investigation promoted under paragraph (b).
- (2) Where the Secretary promotes research study or investigation under sub-section (1), the Secretary shall require a person who has agreed to undertake the research study or investigation to make to the Secretary such reports on the progress and results of the research study or investigation as the Secretary determines and to carry on the research study or investigation subject to and in accordance with such other terms and conditions as he determines.

S. 20(1) amended by No. 70/1998 s. 14(Sch. item 13).

S. 20(1)(c) substituted by Nos 9861 s. 3(1), 31/1994 s. 3(Sch. 1 item 45.1).

S. 20(2) amended by No. 70/1998 s. 14(Sch. item 13).

21. Secretary may grant certain permits etc.

- (1) Subject to this Act, the Secretary may, in respect of a park—
 - (a) grant to a person a permit to occupy a building, camping place or other facility erected set apart or provided in the park for such period not exceeding six weeks as the Minister determines subject to such terms

Cf. No. 8083 s. 7.

S. 21(1) amended by No. 70/1998 s. 14(Sch. item 14).

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S. 21(1)(b)
amended by
Nos 9114
s. 8(a),
38/1989
s. 11(1).

S. 21(1)(c)
amended by
No. 9114
s. 8(b),
substituted by
No. 9570
s. 11(5).

S. 21(1)(c)(i)
amended by
No. 70/1998
s. 14(Sch.
item 14).

S. 21(1)(c)(ii)
amended by
No. 38/1989
s. 21(a).

S. 21(1A)
inserted by
No. 38/1989
s. 11(2),
amended by
No. 70/1998
s. 14(Sch.
item 14).

S. 21(2A)
inserted by
No. 38/1989
s. 21(b).

and conditions and the payment of such fees and charges as the Minister from time to time determines under sub-section (2);

(b) which is not a wilderness park grant to a person for a period not exceeding six months a permit to keep an apiary in the park subject to such terms and conditions and the payment of such fees as the Minister determines; and

(c) grant to a person a permit to carry on a trade or business in the park—

(i) subject to such terms and conditions and the payment of such fees and charges as the Secretary determines, for a period not exceeding six weeks; and

(ii) subject to such terms and conditions and the payment of such fees as the Minister determines, for a period exceeding six weeks but not exceeding three years.

(1A) The Secretary must not grant a permit to carry on a trade or business in a wilderness park unless the activity which is the subject of the permit is an activity permitted under section 17C(2)(c).

(2) The Minister may determine from time to time the terms, conditions, charges and fees to which permits granted or that may be granted under sub-section (1) are or are to be subject.

(2A) A permit granted under sub-section (1)(c)(ii) may be cancelled or suspended by the Minister if the holder does not comply with the terms and conditions of the permit.

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- (3) The Secretary may authorize the provision in a park of such services, facilities and goods for the public on such terms and conditions and subject to the payment of such fees or charges as the Minister determines.

S. 21(3)
amended by
No. 70/1998
s. 14(Sch.
item 14).

21A. Permits to take fish or fishing bait for research in marine national parks and marine sanctuaries

- (1) The Secretary may, in respect of a marine national park or a marine sanctuary, grant a permit to a person to take fish or fishing bait for the purpose of any research, study or investigation that the Secretary considers—
- (a) is appropriate; and
 - (b) does not detrimentally affect the area as a marine national park or marine sanctuary.
- (2) A permit under sub-section (1) is subject to the terms and conditions determined by the Secretary.
- (3) The holder of a permit must comply with the terms and conditions of the permit.

S. 21A
inserted by
No. 9114 s. 21,
substituted by
No. 9247 s. 15,
amended by
Nos 10073
s. 6, 10166
s. 12(a)(b),
41/1987
s. 103(Sch. 4
item 49.5),
38/1989
s. 35(b),
38/1995
s. 21(c),
76/1998 s. 14,
repealed by
No. 70/1998
s. 8,
new s. 21A
inserted by
No. 40/2002
s. 7.

Penalty: 20 penalty units.

- (4) A person who acts under and in accordance with a permit under this section does not commit an offence under the **Fisheries Act 1995**.

21B. Remote and natural areas

Each area of land described in a Part of Schedule Six is, for the purposes of this Act, a remote and natural area under the name specified in that Part.

S. 21B
inserted by
No. 40/1992
s. 14.

21C. Protection of remote and natural areas

- (1) The Secretary must ensure that each remote and natural area is controlled and managed in accordance with the objects of this Act in a manner that will protect and preserve the natural

S. 21C
inserted by
No. 40/1992
s. 14.

S. 21C(1)
amended by
No. 70/1998
s. 14(Sch.
item 15).

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environment of the area, including indigenous flora and fauna and features of ecological, geological, scenic, archaeological, historic or scientific significance.

- (2) The Secretary must ensure that, in a remote and natural area—
 - (a) no new roads or tracks for vehicles are constructed; and
 - (b) existing roads or tracks for vehicles are not widened or upgraded in any way so that they can carry increased traffic or heavier vehicles; and
 - (c) no new structures are constructed; and
 - (d) no new facilities are installed; and
 - (e) no new works are carried out that will adversely affect the natural condition or appearance of the area.
- (3) In sub-section (2) "**works**" includes, but is not limited to, any of the following—
 - (a) excavation and earth works;
 - (b) destruction, removal or lopping of vegetation.

S. 21C(2)
amended by
No. 70/1998
s. 14(Sch.
item 15).

S. 21D
inserted by
No. 40/1992
s. 14.

21D. Management of remote and natural areas

- (1) This section has effect despite section 21C.
- (2) After land becomes part of a remote and natural area, then subject to and in accordance with the provisions of this Act (other than section 21C) and subject to any conditions and restrictions that the Secretary may impose in accordance with this Act—

S. 21D(2)
amended by
No. 70/1998
s. 14(Sch.
item 16).

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- (a) any lawful uses of land existing immediately before its inclusion in the area may continue; and
 - (b) any lawful activity or works begun on the land before its inclusion in the area may continue and be completed; and
 - (c) any structure lawfully constructed on the land before its inclusion in the area may be used for its intended purpose; and
 - (d) any works lawfully carried out on the land before its inclusion in the area may be used for their intended purpose.
- (3) Subject to and in accordance with any provision of this Act other than section 21C—
- (a) the Minister or the Secretary may complete anything of a continuing nature commenced under this Act in relation to land before its inclusion in a remote and natural area; and

S. 21D(3)(a)
amended by
No. 70/1998
s. 14(Sch.
item 16).
 - (b) the Minister or the Secretary may give effect to agreements, licences or permits or authorities entered into, granted or issued in relation to land before its inclusion in a remote and natural area; and

S. 21D(3)(b)
amended by
No. 70/1998
s. 14(Sch.
item 16).
 - (c) the Minister or the Secretary may give effect to any rights, powers or obligations acquired or incurred in relation to land before its inclusion in a remote and natural area; and

S. 21D(3)(c)
amended by
No. 70/1998
s. 14(Sch.
item 16).
 - (d) the Minister or the Secretary may do anything necessary for the maintenance or repair of existing roads, tracks, structures or facilities in a remote and natural area.

S. 21D(3)(d)
amended by
No. 70/1998
s. 14(Sch.
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S. 21D(4)
amended by
No. 70/1998
s. 14(Sch.
item 16).

- (4) The Secretary may, in a remote and natural area, do anything which he or she considers necessary for—
- (a) the eradication or control of non-indigenous flora and non-indigenous fauna; or
 - (b) the protection of the natural environment; or
 - (c) the health and safety of the public; or
 - (d) the prevention or control of fire; or
 - (e) dealing with emergencies relating to disease.

S. 21D(5)
amended by
No. 70/1998
s. 14(Sch.
item 16).

- (5) The Secretary, with the approval of the Minister, may do anything else that the Secretary considers—
- (a) is—
 - (i) essential for the responsible management of a remote and natural area; or
 - (ii) necessary to be done in the public interest, in relation to a remote and natural area; and
 - (b) does not substantially degrade the natural condition or appearance of the area.

S. 21D(6)
amended by
No. 70/1998
s. 14(Sch.
item 16).

- (6) The Secretary must undertake, or cause to be undertaken, rehabilitation work or any other measures that the Secretary considers necessary to prevent or minimise loss or degradation of the natural condition or appearance of a remote and natural area if he or she considers that—
- (a) loss or degradation has resulted or is likely to result from activities under this section; or
 - (b) there is evidence of increasing disturbance of the natural condition or appearance of the area, however caused.

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22. Zones in parks

- (1) The Governor in Council may make regulations prescribing a name as the name of a zone that may be declared under this section as a zone within a park.
- (2) The Governor in Council may by proclamation published in the Government Gazette declare that specified lands forming part of a park are a zone within that park under a prescribed name, other than the name of "wilderness zone".
S. 22(2)
amended by
No. 38/1989
s. 12(2).
- (3) Lands declared under sub-section (2) to be a zone under a prescribed name shall be controlled and managed subject to and in accordance with such conditions as are, subject to this Act, prescribed for the control and management of lands declared to be a zone under that name.
- (4) If land has become a wilderness zone under sub-section (4A) or has been declared under sub-section (5) to be a wilderness zone—
S. 22(4)
inserted by
No. 38/1989
s. 12(1),
amended by
No. 40/1992
s. 10(2)(a).
 - (a) the land is to be used and managed as if it were a wilderness park; and
 - (b) the provisions of this Act apply to the land as if it were a wilderness park.
- (4A) The Minister, by notice published in the Government Gazette, may in respect of each Part of Schedule Five appoint a day on which the land described in that Part becomes a wilderness zone for the purposes of this Act.
S. 22(4A)
inserted by
No. 40/1992
s. 10(1).
- (4B) Sub-section (4A) does not affect or limit the Governor in Council's power to declare land to be a wilderness zone.
S. 22(4B)
inserted by
No. 40/1992
s. 10(1).

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S. 22(4C)
inserted by
No. 40/1992
s. 10(1).

S. 22(5)
inserted by
No. 38/1989
s. 12(1).

S. 22(6)
inserted by
No. 38/1989
s. 12(1),
amended by
No. 40/1992
s. 10(2)(b).

S. 22(7)
inserted by
No. 38/1989
s. 12(1).

S. 22(8)
inserted by
No. 38/1989
s. 12(1).

- (4C) The Minister must not appoint a day on which the land in Part 7 of Schedule Five becomes a wilderness zone that is earlier than the date of commencement of Part 2 of the **National Parks (Wilderness) Act 1992**.
- (5) The Governor in Council, by proclamation published in the Government Gazette may declare specified land forming part of a park to be a wilderness zone if the land—
- (a) together with the plant and animal community on the land, is in a state that has not been substantially modified by the influences of European settlement or is capable of being restored to such a state; and
 - (b) is of a sufficient size to make its maintenance in such a state feasible; and
 - (c) is capable of providing opportunities for solitude and appropriate self-reliant recreation.
- (6) The Governor in Council may by proclamation published in the Government Gazette declare that specified land forming a wilderness zone under sub-section (4A) or (5) or part of a wilderness zone cease to form that zone or part.
- (7) A proclamation under sub-section (5) or (6) does not have effect unless approved by resolutions of both Houses of the Parliament.
- (8) Notice of a resolution to approve a proclamation may be given in a House of the Parliament on or before the eighteenth day on which that House sits after the proclamation is made and the resolution must be passed on or before the twelfth day upon which that House sits after notice of the resolution has been given in that House but the power of either House to pass a resolution approving the proclamation shall not be affected by the

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prorogation or dissolution of the Parliament or of either House of the Parliament and for the purpose of this section the calculation of days upon which a House has sat shall be made as if there had been no such prorogation or dissolution.

22A. Wilderness zones—General

S. 22A
inserted by
No. 40/1992
s. 11.

Sections 22B to 22D apply despite anything to the contrary in section 22 of this Act or any provision applied by that section.

22B. Navigation lights—Sandpatch and Wilsons Promontory wilderness zones

S. 22B
inserted by
No. 40/1992
s. 11.

- (1) The Secretary may, subject to and in accordance with this Act, construct or permit the construction of a navigation light at Little Rame Head in the wilderness zone referred to in Part 18 of Schedule Five.
- (2) The Secretary may, subject to and in accordance with this Act, maintain or permit the maintenance of—
 - (a) any navigation light constructed under subsection (1); and
 - (b) the navigation light at Wingan Point in the wilderness zone referred to in Part 18 of Schedule Five; and
 - (c) the navigation light at Lighthouse Point in the wilderness zone referred to in Part 20 of Schedule Five.
- (3) Section 17C(3) applies to the construction and maintenance of these navigation lights as if they were essential management activities permitted under section 17C(2).

S. 22B(1)
amended by
No. 70/1998
s. 14(Sch.
item 17).

S. 22B(2)
amended by
No. 70/1998
s. 14(Sch.
item 17).

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s. 22C

S. 22C
inserted by
No. 40/1992
s. 11.

22C. Continued cattle grazing in some wilderness zones

Section 17C(1) does not apply to cattle grazing in accordance with licences issued under section 32AD(1) in respect of any areas in the wilderness zones referred to in Parts 8, 9, 11, 12 and 13 of Schedule Five.

S. 22D
inserted by
No. 40/1992
s. 11.

22D. Deer hunting in some wilderness zones

- (1) Section 17C(1) does not apply to deer hunting by stalking and the carrying and use of firearms or other weapons for that purpose, in accordance with a permit or authority under section 37, in the wilderness zones referred to in Parts 8 and 9 of Schedule Five.
- (2) The Secretary must keep under review the extent to which deer hunting allowed in these wilderness zones by permit or authority under section 37 may interfere or conflict with other activities permitted there and may, having regard to the results of the review, take any appropriate action permitted by this Act.

S. 22D(2)
amended by
No. 70/1998
s. 14(Sch.
item 18).

23. Permanent works that may be carried out in parks

Subject to the approval of the Minister, there may be carried out in a park which is not a wilderness park works for the construction of a building or other structure or other permanent works for the protection development or improvement of the park including the establishment of camping places roads and tracks.

Cf. No. 8083
s. 7.

S. 23
amended by
No. 38/1989
s. 13.

24. Maintenance works to be carried out in parks

There may be carried out in each park which is not a wilderness park such works as are necessary to maintain the park in such condition as is consistent with the objects of this Act.

Cf. No. 8083
s. 7.

S. 24
amended by
No. 38/1989
s. 14(1).

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s. 25

25. Certain works may be carried out on foreshore etc.
adjacent to parks

Subject to and in accordance with the consent of the Minister, the Minister for the time being administering the **Conservation, Forests and Lands Act 1987** and the Minister administering the **Planning and Environment Act 1987**, there may be carried out in or on—

- (a) the foreshore; or
- (b) Victorian waters within the meaning of the **Fisheries Act 1995**—

adjacent to a park (other than a wilderness park) works for the construction of a building, jetty, launching or landing place or other structure.

* * * * *

Cf. No. 8083
s. 7.

S. 25
amended by
Nos 9570
s. 8(4)(a)(b),
41/1987
s. 103(Sch. 4
item 49.6),
38/1989
s. 14(2),
46/1998
s. 7(Sch. 1).

S. 25(b)
amended by
No. 92/1995
s. 161(Sch. 2
item 4).

S. 25(2)
repealed by
No. 9570
s. 8(4)(b).

25A. Continuation of existing uses

Where land included in Schedule Two is at the time of the inclusion subject to a notice pursuant to section 10(3) of the **Land Conservation Act 1970** requiring that effect be given to a recommendation that an existing use or existing uses of the land be continued, the Minister may in writing grant to a person a tenancy of or licence in respect of all or any part of the land for a period not exceeding seven years for such fees rent or other charges and subject to such terms, conditions and covenants consistent with the recommendation as the Minister determines for a use recommended as aforesaid.

S. 25A
inserted by
No. 9114 s. 9,
amended by
No. 9427
s. 6(1)(Sch. 5
item 118).

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s. 25B

S. 25B
inserted by
No. 9247 s. 9.

S. 25B(1)
amended by
Nos 9570
s. 12(a)(i)(ii),
10166
s. 13(a)(b),
7/1987
s. 5(1)(2),
41/1987
s. 103(Sch. 4
item 49.7),
7/1988
s. 5(1)(2),
37/1989
s. 4(a)–(c),
38/1989
s. 18(3)(e),
7/1997
s. 4(a)–(c),
76/1998 s. 14,
70/1998
s. 14(Sch.
item 19),
50/2002
s. 5(a)–(c).

S. 25B(2)
amended by
Nos 41/1987
s. 103(Sch. 4
item 49.7),
76/1998 s. 14,
70/1998
s. 14(Sch.
item 20).

S. 25B(2)(e)
amended by
Nos 41/1987
s. 103(Sch. 4
item 49.7),
76/1998 s. 14.

25B. Extraction of forest produce from parks

- (1) Where a park described in Part 31 or 37 of Schedule Two or in Part 1, 3, 17 or 29 of Schedule Two B is subject to a notice pursuant to section 10(3) of the **Land Conservation Act 1970** requiring that effect be given to a recommendation that forest produce be taken from a park or the Governor in Council has by notice published in the Government Gazette authorized the taking of forest produce from a park described in Part 37 of Schedule Two, or the harvesting of a pine plantation is authorised by Part 7 of Schedule Two, the Minister, subject to the conditions contained in the Schedules to this Act, may enter into an agreement with the Secretary for it to take and sell or otherwise dispose of such forest produce.
- (2) Every agreement made between the Minister and the Secretary pursuant to sub-section (1)—
 - (a) shall describe the forest land to which the agreement relates;
 - (b) shall state the nature and quantities of forest produce to be taken sold or otherwise disposed of;
 - (c) shall specify the period for which the agreement will operate;
 - (d) shall specify the proposed plan of production;
 - (e) shall state the royalties or fees to be charged by the Secretary;

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s. 25B

-
- (f) shall specify a comprehensive plan of regeneration and rehabilitation of the forest land;
- (g) shall contain a covenant by the Secretary that it will at its own expense carry out the plan of regeneration and rehabilitation either progressively or at the completion of the operation;
- (h) shall be in such form and shall contain such other covenants terms and conditions as are agreed upon between the Minister and the Secretary.
- S. 25B(2)(g) amended by Nos 41/1987 s. 103(Sch. 4 item 49.7), 76/1998 s. 14.
- S. 25B(2)(h) amended by Nos 41/1987 s. 103(Sch. 4 item 49.7), 76/1998 s. 14, 70/1998 s. 14(Sch. item 20).
- (3) For the purposes of this section—
- (a) any land which is the subject of an agreement pursuant to sub-section (1) of this section shall be deemed to be "**protected forest**" within the meaning of the **Forests Act 1958**;
- (b) "**forest produce**" has the same meaning as it has in the **Forests Act 1958**.
- S. 25B(3)(b) amended by No. 48/2004 s. 136.
- (4) Subject to this section the Secretary may with respect to land which is the subject of an agreement under sub-section (1)—
- S. 25B(4) amended by Nos 41/1987 s. 103(Sch. 4 item 49.7), 76/1998 s. 14.
- (a) grant a licence or permit to any person to take sell or otherwise dispose of forest produce subject to such covenants terms and conditions as are prescribed and the payment of such rent fees royalties or charges as the Secretary determines;
- S. 25B(4)(a) amended by Nos 41/1987 s. 103(Sch. 4 item 49.7), 76/1998 s. 14.
-

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S. 25B(4)(b)
amended by
Nos 41/1987
s. 103(Sch. 4
item 49.7),
76/1998 s. 14.

(b) do or agree to do cause or permit to be done or make any provision for the doing of anything consistent with the agreement and the powers of the Secretary in respect of protected forest;

(c) in respect of the removal of forest produce enforce the provisions of the **Forests Act 1958** as though the land were protected forest.

S. 25B(5)
amended by
Nos 41/1987
s. 103(Sch. 4
item 49.7),
76/1998 s. 14.

(5) The Secretary shall include in any licence or permit granted pursuant to sub-section (4) such of the covenants terms and conditions contained in the agreement entered into under sub-section (1) as are applicable to that licence or permit.

* * * * *

S. 25B(6)
amended by
Nos 41/1987
s. 103(Sch. 4
item 49.7),
76/1998 s. 14,
repealed by
No. 70/1998
s. 14(Sch.
item 21).

(7) This section shall cease to have effect in relation to the removal of forest produce from a park except Barmah Park—

(a) where the Land Conservation Council has recommended a period for the removal of forest produce from the park and notice of that recommendation has been given pursuant to section 10(3) of the **Land Conservation Act 1970**, upon the expiration of that period; or

(b) where no such period has been recommended by the Land Conservation Council, upon the expiration of any date fixed by the Minister, with the agreement of the Minister for the time being administering the **Conservation, Forests and Lands Act**

S. 25B(7)(b)
amended by
No. 41/1987
s. 103(Sch. 4
item 49.8).

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1987 by notice in the Government Gazette after which date the removal of forest produce from the park is prohibited.

- (8) Nothing in this Act or any other Act shall operate to restrict or affect the carrying on of activities which are carried on pursuant to and in accordance with the terms and conditions of an agreement made under this section.

S. 25B(8)
inserted by
No. 9570
s. 12(b).

26. Special provisions for certain parks

Where the Minister so directs in respect of the park described in Part 2 of Schedule Two B or a park described in Schedule Three in which particular projects or studies are being undertaken—

S. 26
amended by
No. 38/1989
s. 18(3)(f).

- (a) moneys available for the purposes of this section may be expended, in accordance with the direction, in the purchase or provision of livestock, trees, plants or goods to be used for or in connexion with the carrying on of those projects or studies; and
- (b) there may be sold or otherwise disposed of, in accordance with the direction, produce from the park or from livestock in the park.

S. 26(a)
substituted by
No. 9861
s. 3(1),
amended by
No. 31/1994
s. 3(Sch. 1
item 45.2).

26A. Tenancies or licences for certain purposes

The Minister may by agreement in writing grant to a person a tenancy of or licence in respect of land in a park described in Schedule Two B or Schedule Three for a period not exceeding seven years for such rent fees and other charges and subject to such terms conditions and covenants as the Minister determines and which is or are specified in the agreement for any specified purpose—

S. 26A
inserted by
No. 9114 s. 10,
amended by
No. 38/1989
s. 18(3)(g).

- (a) being a purpose or a purpose of a like nature to a purpose for which the land was being used at the time it became Crown land or for

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which it was being used at the time the land became a park or part of a park under this Act; and

- (b) being a purpose consistent with—
- (i) any trust conditions covenants or other restrictions as to use thereof affecting the land or any part thereof;
 - (ii) the objects of this Act in relation to the land or any part thereof; and
 - (iii) any notice which has been given pursuant to section 10(3) of the **Land Conservation Act 1970** relating to the land or any part thereof.

S. 26A(b)(i)
 amended by
 No. 9427
 s. 6(1)(Sch. 5
 item 118).

Cf. No. 8083
 s. 15.

S. 27(1)
 amended by
 No. 70/1998
 s. 14(Sch.
 item 22).

S. 27(2)
 amended by
 No. 70/1998
 s. 14(Sch.
 item 22).

S. 27(3)
 amended by
 No. 70/1998
 s. 14(Sch.
 item 22).

27. Rights of public authorities in respect of parks

- (1) Subject to this Act and the regulations, a public authority may, where it has obtained the consent of the Secretary, perform its functions and exercise its powers in and in relation to a park in accordance with the conditions (if any) to which the consent is subject.
- (2) The Secretary may not give consent to the performance of functions or exercise of powers by a public authority where the Minister considers that the performance of functions or exercise of powers may substantially affect a park unless the Governor in Council has determined that the consent should be given.
- (3) The consent of the Secretary under this section is subject to such conditions relating to the performance of functions or exercise of powers—
 - (a) in a case to which sub-section (2) applies, as are determined by the Governor in Council; and

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- (b) in any other case, as the Secretary determines.

S. 27(3)(b)
 amended by
 No. 70/1998
 s. 14(Sch.
 item 22).

27A. Agreement with electricity company

- (1) The Minister may enter into an agreement with an electricity company—

- (a) to manage and control; or
 (b) to carry out duties, functions and powers related to the company's purpose in—

any area that is used for the purposes of or in connection with the company's purpose, being an area of a national park, State park or land referred to in Schedule Three, other than land that is a wilderness zone or a remote and natural area or a reference area under the **Reference Areas Act 1978**.

S. 27A
 inserted by
 No. 10166
 s. 14(1),
 amended by
 No. 44/1989
 s. 41(Sch. 2
 item 29.2),
 repealed by
 No. 7/1997
 s. 5,
 new s. 27A
 inserted by
 No. 55/1997
 s. 29 (as
 amended by
 No. 91/1997
 s. 44(g)).

- (2) An agreement under sub-section (1)—
- (a) must be in writing; and
- (b) may be amended from time to time or terminated by further written agreement between the parties; and
- (c) must contain provisions with respect to the protection and conservation of the land subject to the agreement.
- (3) Despite sub-section (1), an agreement under that sub-section may apply to the carrying out of duties, functions and powers related to the purpose of a transmission company in a reference area to the extent to which they were so carried out immediately before the commencement of section 29 of the **Electricity Industry (Further Miscellaneous Amendment) Act 1997**.

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s. 27B

S. 27A(4) def.
of "electricity
company"
amended by
No. 69/2000
s. 61(2).

S. 27B
inserted by
No. 10166
s. 14(1),
repealed by
No. 7/1997
s. 5,
new s. 27B
inserted by
No. 50/2000
s. 6.

S. 27C
repealed.⁹

Pt 3 Div. 4
(Heading)
amended by
No. 57/1995
s. 34(a)
(as amended
by No.
74/2000
s. 3(Sch. 1
item 88.1)).

No. 6642.

S. 28
amended by
Nos 9921
s. 255, 44/1989
s. 41(Sch. 2
item 29.3),
104/1997
s. 53(2).

(4) In this section—

"electricity company" means a transmission company or distribution company within the meaning of the **Electricity Industry Act 2000**;

"company's purpose" means—

- (a) in relation to an electricity company that is a transmission company, the transmission of electricity;
- (b) in relation to an electricity company that is a distribution company, the distribution or supply of electricity.

27B. Native title not to be affected by amendments

The amendments made to this Act by the **National Parks (Amendment) Act 2000** are not intended to affect native title rights and interests.

* * * * *

Division 4—Special provisions relating to particular Parks

28. Hattah Lakes National Park

Victorian Rail Track established by Division 2 of Part 2 of the **Rail Corporations Act 1996** may maintain and use a pumping station and a pipeline or conduit upon through under or over the Hattah Lakes National Park for the purpose of bringing water from Lake Hattah to Hattah railway station.

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29. Wilson's Promontory National Park

Nos 7148,
7928.

- (1) The Minister shall be responsible for the repair and proper maintenance of the cairn, commemorating the institution of commando training in Australia and the commandoes who died on active service in the war of 1939–45, erected by the Commando Association of Victoria in the Wilson's Promontory National Park.

* * * * *

S. 29(2)–29(6)
repealed.¹⁰

29A. Lighthouse leases—Wilsons Promontory National Park

S. 29A
inserted by
No. 9114
s. 11(b),
amended by
No. 9921
s. 255,
repealed by
No. 10166
s. 17(2),
new s. 29A
inserted by
No. 50/2002
s. 6.

- (1) The Minister may lease any lighthouse land for similar purposes to the purposes of the leases referred to in sub-section (3).
- (2) A lease granted under sub-section (1)—
- (a) must be granted in writing; and
 - (b) must not be for a term of more than 21 years; and
 - (c) is subject to the rent and other charges and terms and conditions determined by the Minister.
- (3) The addition of land to Part 23 of Schedule Two by section 12 of the **National Parks (Box-Ironbark and Other Parks) Act 2002** does not affect the existence and operation of the following leases—
- (a) the lease between the Minister for Conservation and Environment of the State of Victoria and the Commonwealth of Australia dated 1 December 1995 over the land shown delineated and hatched in the plan lodged in the Central Plan Office and numbered LEGL./02–069;

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s. 29A

- (b) the lease between the Minister for Conservation and Environment of the State of Victoria and the Australian Maritime Safety Authority dated 1 December 1995 over the land located at Citadel Island and described as Lot 1B on Consolidated Plan 116401;
 - (c) the lease between the Minister for Conservation and Environment of the State of Victoria and the Australian Maritime Safety Authority dated 1 December 1995 over the land located at Wilsons Promontory and described as Lot 1C on Consolidated Plan 116398;
 - (d) the lease between the Minister for Conservation and Environment of the State of Victoria and the Australian Maritime Safety Authority dated 1 December 1995 over the land located at Wilsons Promontory and described as Lot 1D on Consolidated Plan 116398;
 - (e) the lease between the Minister for Conservation and Environment of the State of Victoria and the Australian Maritime Safety Authority dated 1 December 1995 over the land located at Wilsons Promontory and described as Lot 1E on Consolidated Plan 116398.
- (4) A lease referred to in sub-section (3) continues in force, subject to its terms, for the period of the lease despite anything to the contrary in this Act or any other Act.
- (5) In this section, "**lighthouse land**" means any land that is the subject of a lease referred to in sub-section (3).

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30. Point Nepean National Park

- (1) The Minister shall consult with any Minister including a Minister of the Crown in right of the Commonwealth, public authority or interest group who or which expresses an interest in public safety, fire protection works and the fire control operations in the park described in Part 4 of Schedule 2.
- (2) Any public authority may subject to and in accordance with the consent of the Minister and any conditions imposed by the Minister graze cattle for a period not exceeding ten years in that part of the park described in Part 4 of Schedule Two that, immediately before the commencement of section 6 of the **National Parks and Wildlife (Amendment) Act 1988**, was included in Part 7 of Schedule Three¹¹.
- (3) There is granted to the Crown in right of the Commonwealth an easement over the land known as Defence Road and marked "E-1" in the plan N.P. 20A/8 referred to in Part 4 of Schedule Two for the purposes of carriageway and the provision of services for the benefit of the remaining land described in Volume 5758 Folio 598 registered under the **Transfer of Land Act 1958**¹².

No. 7928.

S. 30
amended by
No. 9114
s. 12(a)(b),
substituted by
No. 7/1988
s. 6.

S. 30(2)
amended by
No. 38/1989
s. 24(a).

S. 30(3)
inserted by
No. 38/1989
s. 24(b),
amended by
No. 43/1990
ss 12, 13(1).

30A. Operations in the Alpine National Park

- (1) SEC, VENCORP, a distribution company, a transmission company or a generation company within the meaning of the **Electricity Industry Act 2000**, for the purposes of the hydro-electric undertaking at Kiewa may—
 - (a) occupy and utilize works required for the operation and maintenance of the undertaking; and

S. 30A
inserted by
No. 37/1989
s. 5.

S. 30A(1)
amended by
Nos 130/1993
s. 122(Sch. 4
item 10.2),
53/1994
s. 34(Sch. 1
item 6.2),
110/1994
s. 41(Sch. 1
item 7.2),
69/2000
s. 61(3).

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S. 30A(1)(b)
amended by
No. 130/1993
s. 122(Sch. 4
item 10.2
(a)(c)).

S. 30A(1)(c)
amended by
No. 76/1998
s. 14.

S. 30A(2)
amended by
No. 46/1998
s. 7(Sch. 1).

S. 30AA
inserted by
No. 79/1995
s. 33.

S. 30AA(1)
amended by
No. 48/1996
s. 33(1).

S. 30AA(2)(b)
amended by
No. 48/1996
s. 33(1).

(b) perform its functions and exercise powers which relate to the undertaking and to the protection of the quality, quantity and availability of water produced for the requirements for the undertaking; and

(c) plan fire protection works (including construction of vehicular tracks) to protect works required for the undertaking in consultation with the Secretary and the Director—

on or over the lands referred to in Part 37 of Schedule Two.

(2) Sub-section (1)(c) only applies to those parts of Part 37 of Schedule Two which are marked A16 and A18 and shown by light shading and that part marked A17 and shown by open triangle pattern on the plan lodged in the Central Plan Office and numbered N.P. 70/1f.

30AA. Lease or licence to a generation company—Alpine National Park

(1) The Minister may grant or renew a lease or licence to a generation company of any area of land in the park described in Part 37 of Schedule Two which is used for the purposes of the generation of electricity for supply or sale.

(2) A lease or licence under sub-section (1)—

(a) must be granted in writing; and

(b) is subject to any terms and conditions determined by the Minister.

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- (3) A lease under sub-section (1) may be granted—
- (a) without being limited to a particular stratum of land; or
- (b) for a stratum of land.
- (4) The Minister must not grant a lease under sub-section (1) for a stratum of land unless he or she is satisfied that—
- (a) each lessee for the time being under the lease can obtain reasonable access to and use of the land to be leased; and
- (b) the granting of the lease would not interfere with the exercise of rights by the registered proprietor, lessee or licensee of other land; and
- (c) provision has been made (in the lessee or otherwise) for any necessary rights of support of the stratum or other land or of any building or structure erected or to be erected on those lands; and
- (d) provision has been made (in the lease or otherwise) for any necessary rights for the passage or provision of services (including drainage, sewerage, or the supply of water, gas, electricity or telephone) to or through the stratum, where those rights are necessary for the reasonable enjoyment of the stratum or other land.
- (5) The granting under sub-section (1) of a lease of a stratum of land is conclusive proof of compliance with sub-section (4) in respect of the lease.
- (6) In this section, "**generation company**" has the same meaning as in the **Electricity Industry Act 2000**.
- S. 30AA(3) inserted by No. 48/1996 s. 33(2).
- S. 30AA(4) inserted by No. 48/1996 s. 33(2).
- S. 30AA(5) inserted by No. 48/1996 s. 33(2).
- S. 30AA(6) inserted by No. 55/1997 s. 30(1), amended by No. 69/2000 s. 61(4).

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s. 30AB

S. 30AB
inserted by
No. 79/1995
s. 33.

30AB. Agreement with a generation company—Alpine National Park

S. 30AB(1)
amended by
No. 48/1996
s. 34(1)(a)(b).

- (1) The Minister may enter into an agreement with a generation company to—
 - (a) manage and control; or
 - (b) carry out duties functions and powers related to the generation of electricity for the purposes of supply or sale in—

any area of the park described in Part 37 of Schedule Two which is used for the purposes of or in connection with the generation of electricity for supply or sale.
- (2) An agreement under sub-section (1)—
 - (a) must be in writing;
 - (b) may be amended from time to time or terminated by further written agreement between the parties.
- (2A) An agreement under sub-section (1) must contain provisions with respect to the protection and conservation of the land subject to the agreement.
- (3) In this section "**generation company**" has the same meaning as in the **Electricity Industry Act 2000**.

S. 30AB(2A)
inserted by
No. 48/1996
s. 34(2).

S. 30AB(3)
amended by
Nos 55/1997
s. 30(2),
69/2000
s. 61(5).

S. 30B
inserted by
No. 37/1989
s. 5.

30B. Protection of access rights of freeholders in Alpine National Park

- (1) If a person holds a fee simple in land abutting or surrounded by land described in Part 37 of Schedule Two the Minister may grant to that person that reasonable right of access to his or her land which will in the Minister's opinion allow that person to use his or her land.

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s. 30C

- (2) For the purpose of allowing a person to have access to his or her land the Minister may exempt that person from any regulation affecting the land described in Part 37 or that right of access.

30C. Protection of life occupancies in Alpine National Park

S. 30C
inserted by
No. 37/1989
s. 5.

- (1) If a person was immediately before 1 June 1986 occupying a portion of the land described in Part 37 of Schedule Two under an agreement with a Minister responsible for Crown lands which was an agreement which granted the person an occupancy of the land for his or her lifetime, the Minister must grant a permit to the person authorising him or her to continue to occupy that portion of the land.
- (2) A permit under sub-section (1)—
- (a) must be granted by the Minister on or before the date on which the land is added to Part 37 of Schedule Two; and
 - (b) is to be for the lifetime of the person to whom it is granted and subject to the same terms and conditions including the payment of fees (if any) as are contained in the agreement.

30D. Protection of access rights to Murray–Sunset National Park

S. 30D
inserted by
No. 43/1990
s. 4.

- (1) If a person holds a fee simple in land abutting or surrounded by land described in Part 38 of Schedule Two, the Minister may grant to that person that reasonable right of access to the person's land which, in the Minister's opinion, will allow that person to use that land.
- (2) If a person carries on or proposes to carry on operations to mine or explore for gypsum on the land bordered blue in the plan lodged in the Central Plan Office and numbered N.P. 51/2, the

S. 30D(2)
amended by
No. 46/1998
s. 7(Sch. 1).

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Act No. 8702/1975

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s. 30E

Minister may grant to that person and the person's employees, contractors and agents that reasonable right of access to the land bordered blue over the land described in Part 38 of Schedule Two which, in the Minister's opinion, will allow them to use that land for that purpose.

- (3) For the purpose of allowing a person to have access to land under sub-section (1) or (2), the Minister may exempt the person from any regulation affecting the land described in Part 38 of Schedule Two or that right of access.

30E. Change of name of Murray–Sunset National Park

- (1) If, after consulting groups of Aboriginal people who, in the Minister's opinion, have an interest in the area, the Minister considers it appropriate to do so, the Minister, with the approval of the Place Names Committee established under the **Survey Co-ordination Act 1958**, may recommend to the Governor in Council that the name in the heading to Part 38 of Schedule Two be added to or that another name be substituted.
- (2) The Governor in Council, by Order published in the Government Gazette may amend Part 38 of Schedule Two in accordance with the Minister's recommendation.

30F. Access rights—French Island National Park

- (1) The Minister may grant to a person who holds a fee-simple interest in land on French Island any rights of access over the park to that land which are, in the Minister's opinion, reasonable.
- (2) A right of access under sub-section (1) is subject to any terms and conditions determined by the Minister.

S. 30E
inserted by
No. 43/1990
s. 4.

S. 30F
inserted by
No. 7/1997
s. 21.

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s. 30G

- (3) For the purpose of allowing a person to exercise a right of access under sub-section (1), the Minister may exempt that person from any regulation affecting the park.
- (4) In this section "**park**" means the land referred to in Part 15 of Schedule Two.

30G. Water distribution works authority—Greater Bendigo National Park, Broken-Boosey State Park, Castlemaine Diggings National Heritage Park

S. 30G
 inserted by
 No. 50/2002
 s. 7.

- (1) The Minister may grant an authority to a person to install, operate or manage works for the purposes of conveying water over any part of the land described in Part 41 of Schedule Two, Part 37 of Schedule Two B or Part 8 of Schedule Four.
- (2) An authority under sub-section (1) may be granted for the term determined by the Minister.
- (3) An authority under sub-section (1) is subject to—
 - (a) any conditions the Minister thinks fit to impose; and
 - (b) the payment of any fee or charge determined by the Minister.
- (4) An authority under sub-section (1) may be cancelled by the Minister if the holder does not comply with a condition of the authority.
- (5) The holder of an authority under sub-section (1) must not transfer the authority unless the holder has first obtained the consent of the Minister.
- (6) Despite the commencement of sections 12, 13 and 15 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, a person who was using works for the purposes of conveying water over any part of the land described in Part 41 of Schedule Two, Part 37 of Schedule Two B or Part 8 of Schedule Four immediately before the commencement of those sections may continue to

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use those works for that purpose for 12 months after the commencement of those sections or until the Minister grants an authority under this section (whichever is the earlier).

- (7) Any use of works under sub-section (6) is subject to the conditions that applied to that use immediately before the commencement of sections 12, 13 and 15 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**.

30H. Dam licences—Greater Bendigo National Park, Castlemaine Diggings National Heritage Park

- (1) The Minister may grant a licence to any person to use land for a dam that existed immediately before the commencement of sections 12 and 15 of the **National Parks (Box-Ironbark and Other Parks) Act 2002** on any part of the land described in Part 41 of Schedule Two or Part 8 of Schedule Four.
- (2) A licence under sub-section (1) may be granted for a term of not more than 3 years.
- (3) A licence under sub-section (1) is subject to—
 - (a) any conditions the Minister thinks fit to impose; and
 - (b) the payment of any fee or charge determined by the Minister.
- (4) A licence under sub-section (1) may be cancelled by the Minister if the holder does not comply with a condition of the licence.
- (5) The holder of a licence under sub-section (1) must not transfer the licence unless the holder has first obtained the consent of the Minister.

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- (6) Despite the commencement of sections 12 and 15 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, a licence over any part of the land described in Part 41 of Schedule Two or Part 8 of Schedule Four—

- (a) that has been granted to a person under section 52 of the **Forests Act 1958** to use land for the purposes of a dam; and
- (b) that is in force immediately before the commencement of those sections—

subject to the provisions of the **Forests Act 1958**, continues in force as a licence granted under that Act until the date of its expiry.

- (7) Despite the commencement of section 15 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, a licence over any part of the land described in Part 8 of Schedule Four—

- (a) that has been granted to a person under section 138 of the **Land Act 1958** to use land for the purposes of a dam; and
- (b) that is in force immediately before the commencement of that section—

subject to the provisions of the **Land Act 1958**, continues in force as a licence granted under that Act until the date of its expiry.

30I. Protection of access rights of freeholders in relation to certain parks

S. 30I
inserted by
No. 50/2002
s. 7.

- (1) If a person holds a fee simple in land abutting or surrounded by a relevant park, the Minister may grant to that person that reasonable right of access to his or her land that will, in the Minister's opinion, allow that person to use his or her land.
- (2) A right of access under this section is subject to any conditions the Minister thinks fit to impose.

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- (3) For the purpose of allowing a person to exercise a right under this section, the Minister may exempt that person from any regulation affecting the relevant park.
- (4) In this section "**relevant park**" means the land described in any of the following—
 - (a) Part 30, Part 41 or Part 42 of Schedule Two;
 - (b) Part 15, Part 26, Part 30 or Part 37 of Schedule Two B;
 - (c) Part 8 of Schedule Four.

30J. Protection of access rights of freeholders in Mitchell River National Park

- (1) If a person holds a fee simple in land surrounded by the park described in Part 8 of Schedule Two, the Minister may grant to that person that reasonable right of access to his or her land that will, in the Minister's opinion, allow that person to use his or her land.
- (2) A right of access under this section is subject to any conditions the Minister thinks fit to impose.
- (3) For the purpose of allowing a person to exercise a right under this section, the Minister may exempt that person from any regulation affecting the park.

30K. Right to move cattle or sheep through Heathcote-Graytown National Park and Broken-Boosey State Park

- (1) If a person holds a fee simple in land abutting the park described in Part 42 of Schedule Two or Part 37 of Schedule Two B, the Minister may grant to that person a reasonable right to move cattle or sheep through any part of the park.
- (2) A right under this section is subject to any conditions the Minister thinks fit to impose.

S. 30J
inserted by
No. 50/2002
s. 7.

S. 30K
inserted by
No. 50/2002
s. 7.

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s. 30L

- (3) For the purpose of allowing a person to exercise a right under this section, the Minister may exempt that person from any regulation affecting the park.

30L. Reports to be prepared for certain parks

S. 30L
 inserted by
No. 50/2002
s. 7.

- (1) In relation to the parks described in Parts 8, 23, 30, 40, 41, 42 and 43 of Schedule Two the Minister must cause a report for each park, setting out the information prescribed in sub-section (2), to be laid before each House of Parliament within 12 months of the commencement of section 12 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, or, if either House is not then sitting, within 5 sitting days of that House after that date.
- (2) In relation to the parks described in Parts 15, 26, 30, 37 and 38 of Schedule Two B the Minister must cause a report for each park, setting out the information prescribed in sub-section (2), to be laid before each House of Parliament within 12 months of the commencement of section 13 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, or, if either House is not then sitting, within 5 sitting days of that House after that date.
- (3) A report prepared under sub-section (1) or (2) must—
 - (a) set out the priorities for the achievement of the management objectives listed in section 17(2); and
 - (b) set out the actions that are required to achieve those priorities through the management plan; and
 - (c) set out the funding that has been allocated to achieving those priorities; and
 - (d) be independently assessed.

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s. 30M

S. 30M
inserted by
No. 50/2002
s. 7.

30M. Water licences—Broken-Boosey State Park

A licence under section 51 or 67 of the **Water Act 1989** that authorises the construction, installation, operation, alteration, removal or decommissioning of works on any part of the land described in Part 37 of Schedule Two B must not be issued except with the consent of the Minister and subject to any conditions the Minister thinks fit to impose.

S. 31
amended by
Nos 9570
s. 11(2),
7/1987
s. 6(a)(b).

31. Croajingolong National Park

- (1) The Minister may grant to a person who holds in fee-simple land abutting land referred to in Part 28 of Schedule Two and abutting or within 60 metres of high-water mark, such reasonable rights of access from low-water mark to that first-mentioned land over land referred to in that part subject to such charge or fee (if any) and such terms and conditions as the Minister determines.

* * * * *

S. 31(2)
inserted by
No. 7/1987
s. 6(c),
amended by
No. 38/1989
s. 18(3)(h),
repealed by
No. 7/1997
s. 22.

S. 31A
inserted by
No. 9114 s. 13.

31A. Croajingolong Inlet National Park

- (1) The Minister may by agreement in writing in consideration of the surrender and conveyance to the Crown of the fee simple interest in the freehold of the land described in Crown grant volume 3357 folio 247 grant to the person or persons conveying the interest aforesaid and any child of any of such persons a tenancy of land not exceeding three hectares in Crown allotment 3 section B Parish of Wau Wauka West for a period ending not later than the death of the last survivor of such persons for residential purposes and for

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such rent and other charges and subject to such terms and conditions and covenants as the Minister determines and specifies in the agreement.

* * * * *

S. 31A(2)
repealed by
No. 9570
s. 11(3).

31AA. Leases in Mount Buffalo National Park

S. 31AA
inserted by
No. 44/1986
s. 10,
amended by
No. 81/1992
s. 10(2)(a)(b),
substituted by
No. 48/1993
s. 9.

- (1) After consulting the National Parks Advisory Council, the Minister may lease any area of land in the park described in Part 17 of Schedule Two which is shown hatched on the plan lodged in the Central Plan Office and numbered N.P. 17L.
- (2) A lease under sub-section (1) may only be for all or any of the following purposes—
 - (a) for land for buildings which are available for use by the public;
 - (b) for land to be used for skiing;
 - (c) for land to be used for ski lifts or ski tows;
 - (d) for any other purpose permitted by the Minister and that the Minister considers is consistent with the objects of this Act.
- (3) A lease under sub-section (1)—
 - (a) must be in writing; and
 - (b) must not be for a period of more than 21 years; and

S. 31AA(1)
amended by
No. 46/1998
s. 7(Sch. 1).

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(c) is subject to any terms and conditions determined by the Minister.

- (4) If a lease is entered into under this section, those relevant laws within the meaning of the **Conservation, Forests and Lands Act 1987** which applied to the land immediately before the lease was entered into continue to apply to that land after the lease is entered into unless the lease otherwise expressly provides.

S. 31AB
inserted by
No. 57/1995
s. 23.

31AB. Lease of O'Shannassy Lodge—Yarra Ranges National Park¹³

- (1) Upon the expiration of the lease dated 15 November 1988 between the Melbourne and Metropolitan Board of Works and Victorian Snow Resorts Pty Ltd the Minister is empowered to grant a tenancy of the land coloured red on the plan attached to that lease for such period, at such rent and subject to such terms and conditions as the Minister determines.
- (2) A tenancy under sub-section (1)—
- (a) must be granted in writing;
 - (b) must not be for a term or terms within the tenancy totalling more than 21 years;
 - (c) is subject to any terms and conditions determined by the Minister.

No. 8083
s. 14.

S. 32
amended by
Nos 10073
s. 7, 70/1998
s. 14(Sch.
item 23).

32. Port Campbell National Park

Notwithstanding the provisions of section 3 of the **Cemeteries Act 1958** the Secretary is the sole trustee of the Loch Ard Public Cemetery and the Cape Otway Public Cemetery and in relation to each of them has the powers and shall perform the duties of trustees appointed under the **Cemeteries Act 1958** and the provisions of that Act apply with any necessary modifications so far as they are applicable.

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s. 32A

32A. Minister may grant tenancies of land included in Port Campbell National Park

S. 32A
 inserted by
 No. 9114 s. 14.

- (1) The Minister may in writing and in accordance with this section grant tenancies of land included in the park described in Part 21 of Schedule Two and abutting on or adjacent to the coastline of Victoria to—
- (a) a company within the meaning of the Corporations Act that is taken to be registered in Victoria, members of which during the summer immediately preceding the commencement of this section regularly patrolled any part of the coastline aforesaid for the purpose of assisting persons in difficulty in the water for use for purposes (including the provision of accommodation and associated facilities for members of the company) connected with the surf lifesaving activities of the members;
 - (b) the Surf Lifesaving Association of Australia, Victorian State Centre (being a company within the meaning of the Corporations Act that is taken to be registered in Victoria) for use for purposes (including the provision of accommodation and associated facilities for members of the club) connected with the surf lifesaving activities of members of a specified club, members of which during the summer immediately preceding the commencement of this section regularly patrolled any part of the coastline aforesaid for the purpose of assisting persons in difficulty in the water and which is affiliated with the company aforesaid.

S. 32A(1)(a)
 amended by
 Nos 43/1990
 s. 16(1),
 44/2001
 s. 3(Sch.
 item 86).

S. 32A(1)(b)
 amended by
 Nos 43/1990
 s. 16(1),
 44/2001
 s. 3(Sch.
 item 86).

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- (2) A tenancy under sub-section (1)—
- (a) shall be in respect of land not exceeding one hectare specified in the agreement;
 - (b) shall be—
 - (i) for such term not exceeding 21 years;
 - (ii) for such rent and other charges; and
 - (iii) subject to such terms conditions and covenants—
- as is or are determined by the Minister and specified in the agreement.
- (3) An agreement for a tenancy under this section may authorize the construction erection or provision on the land or on a specified part or specified parts of the land and for the purposes specified in sub-section (1) of specified structures apparatus or equipment or structures apparatus or equipment of any specified class for such charges and subject to such terms conditions and covenants as the Minister determines and specifies in the agreement.

S. 32AA
inserted by
No. 9247 s. 11.

32AA. Glenample Homestead

S. 32AA(1)
amended by
Nos 46/1998
s. 7(Sch. 1),
70/1998
s. 14(Sch.
item 24).

- (1) Where any part or parts of Crown allotments 5 and 6 Parish of Latrobe has or have been leased by the Crown the Minister administering the **Planning and Environment Act 1987** may authorize the Secretary to manage the land.
- (2) Where the Secretary undertakes the management of the land—
- (a) the land shall be used and managed subject to the terms of the lease referred to in sub-section (1) as though the land was land described in Schedule Three;

S. 32AA(2)
amended by
No. 70/1998
s. 14(Sch.
item 24).

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s. 32AB

- (b) the Governor in Council may make regulations in respect of the land subject to the lease referred to in sub-section (1) as though the land was land described in Schedule Three.
- (3) Nothing in this section shall be construed as authorizing the Minister administering the **Planning and Environment Act 1987** the Secretary the Governor in Council or any other person to do or agree to do or cause or permit to be done or make any provision for the doing of anything which would not be consistent with any trust condition or other restriction relating to the lease or the use of the land referred to in sub-section (1).

S. 32AA(3)
amended by
Nos 46/1998
s. 7(Sch. 1),
70/1998
s. 14(Sch.
item 24).

32AB. Tenancy of Rover Scout Chalet

The Minister may grant to The Scout Association of Australia Victorian Branch for a period not exceeding twenty years a tenancy in the Alpine National Park of land and buildings known as the Rover Scout Chalet together with the associated ski lift at such rent and subject to such terms and conditions as the Minister determines.

S. 32AB
inserted by
No. 9570
s. 7(1),
amended by
No. 37/1989
s. 6.

32AC. Protection of access rights of freeholders in Croajingolong National Park and Snowy River National Park

- (1) If a person holds a fee simple in land abutting or surrounded by land described in Parts 28 and 29 of Schedule Two the Minister may grant to that person a reasonable right of access to his or her land which will in the Minister's opinion allow that person to use his or her land.

S. 32AC
inserted by
No. 24/1988
s. 4.

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s. 32AD

- (2) For the purpose of allowing a person to have access to his or her land the Minister may exempt that person from any regulation affecting the land described in Parts 28 and 29 or that right of access.

32AD. Licences

- (1) The Minister may grant licences in respect of the alpine and bush grazing licence areas in accordance with the agreement on provisions for alpine and bush grazing licences endorsed by the Minister on 25 May 1989.
- (2) A person who—
- (a) immediately before the commencement of section 7 of the **National Parks (Alpine National Park) Act 1989**, was the holder of a cattle grazing licence in respect of any part of the alpine and bush grazing licence areas; and
 - (b) applies in writing to the Secretary within 60 days after that commencement—

is entitled to be granted a licence under subsection (1).

- (3) The Minister may grant licences in respect of the park described in Part 37 of Schedule Two in accordance with the agreement on provisions for alpine tourism licences endorsed by the Minister on 25 May 1989.
- (4) In this section, "**Alpine and Bush Grazing Licence Areas**" means the land in the park described in Part 37 of Schedule Two except—
- (a) the areas marked with vertical hatching in Map A accompanying the 1983 Land Conservation Council Final

S. 32AD
inserted by
No. 37/1989
s. 7.

S. 32AD(2)(b)
amended by
No. 70/1998
s. 14(Sch.
item 25).

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Recommendation for the Alpine Area
Review; and

- (b) reference areas C1, C2, C3, C4, C5, C6, C7, C8, C12, C13, C14, C15, C16, C17 and C18 on that Map; and
- (c) on and after 1 July 1991, the area marked with horizontal hatching on that map; and
- (d) the areas covered by licences numbered 38, 39, 41 and 47 held by the owner of Wonnangatta Station before its acquisition by the Crown; and
- (e) on and after 1 July 1991, the former Wabonga Plateau State Park; and
- (f) that part of the former Cobberas—Tingaringy National Park east of the Snowy River.

32AE. Advisory Committee

S. 32AE
inserted by
No. 37/1989
s. 7.

- (1) There shall be a Committee known as the Alpine Advisory Committee.
- (2) The function of the Alpine Advisory Committee is to assist with the development of a management plan for the park described in Part 37 of Schedule Two.
- (3) The Alpine Advisory Committee shall consist of—
 - (a) five persons nominated by the Minister, one of whom shall be appointed by the Minister as chairperson; and
 - (b) eight persons, each of whom shall be appointed by the Minister from a panel of three persons nominated by each of the following—
 - (i) Victoria National Parks Association;

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S. 32AE(3)
(b)(viii)
amended by
No. 57/1995
s. 33.

S. 32AF
inserted by
No. 43/1990
s. 8.

- (ii) Conservation Council of Victoria;
- (iii) Victorian Federation of Bush Walkers;
- (iv) Victorian Farmers' Federation;
- (v) Mountain Cattlemen's Association of Victoria Inc.;
- (vi) Victorian Field Naturalists Club;
- (vii) Australian Deer Association Inc.;
- (viii) Victoria Association of Four Wheel Drive Clubs Inc.; and

- (c) one person who is engaged in commercial tourism activities in the area nominated by the Director of the Victorian Tourism Commission; and
- (d) two persons appointed by the Minister from a panel of six persons nominated by the Municipal Councils whose municipalities adjoin the park described in Part 37 of Schedule Two.

32AF. Protection of access rights of freeholders in Wyperfeld National Park

- (1) If a person holds a fee simple in land abutting or surrounded by land described in Part 25 of Schedule Two, the Minister may grant to that person that reasonable right of access to the person's land which, in the Minister's opinion, will allow the person to use that land.
- (2) For the purpose of allowing a person to have access to land the Minister may exempt that person from any regulation affecting the land described in Part 25 of Schedule Two or that right of access.

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* * * * *

S. 32AG
 inserted by
 No. 57/1995
 s. 8,
 amended by
 No. 70/1998
 s. 14(Sch.
 item 26),
 repealed by
 No. 66/2000
 s. 39.

32AH. Protection of access rights of freeholders in Yarra Ranges National Park

S. 32AH
 inserted by
 No. 57/1995
 s. 8.

- (1) If a person holds a fee simple in land abutting or surrounded by land described in Part 39 of Schedule Two—
 - (a) if the land is not abutting or surrounded by a designated water supply catchment area, the Minister may grant to that person that reasonable right of access to his or her land which will in the Minister's opinion allow that person to use his or her land; or
 - (b) if the land is abutting or surrounded by a designated water supply catchment area, the Minister, after consulting the Minister administering the **Melbourne Water Corporation Act 1992**, may grant to that person that reasonable right of access to his or her land which will, in the Minister's opinion, allow that person to use his or her land.
- (2) For the purpose of allowing a person to have access to his or her land the Minister may exempt that person from any regulation affecting the land described in Part 39 of Schedule Two or that right of access.

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s. 32B

Pt 3 Div. 5
(Heading)
inserted by
No. 9114 s. 15,
repealed by
No. 57/1995
s. 34(b) (as
amended by
No. 74/2000
s. 3(Sch. 1
item 88.1)).

S. 32B
inserted by
No. 9114 s. 15.

S. 32B(1)
amended by
No. 43/1990
s. 16(2).

S. 32B(1)(a)
amended by
Nos 43/1990
s. 16(1),
44/2001
s. 3(Sch.
item 86).

S. 32B(1)(b)
amended by
Nos 43/1990
s. 16(1),
44/2001
s. 3(Sch.
item 86).

* * * * *

32B. Tenancies for surf lifesaving club purposes

- (1) The Minister may in writing and in accordance with this section grant tenancies (in the case of any tenancy not exceeding one hectare) of land included in the park described in Part 4 of Schedule Two and abutting on or adjacent to the coastline of Victoria to—
 - (a) a company within the meaning of the Corporations Act that is taken to be registered in Victoria, members of which during the summer immediately preceding the commencement of this section patrolled any part of the coastline aforesaid for the purpose of assisting persons in difficulty in the water for use for purposes (including the provision of accommodation and associated facilities for members of the company) connected with the surf lifesaving activities of the members;
 - (b) the Surf Lifesaving Association of Australia, Victorian State Centre (being a company within the meaning of the Corporations Act that is taken to be registered in Victoria) for use for purposes (including the provision of accommodation and associated facilities for members of a club) connected with the surf lifesaving activities of members of a specified club, members of which during the

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summer immediately preceding the commencement of this section patrolled any part of the coastline aforesaid for the purpose of assisting persons in difficulty in the water and which is affiliated with the company aforesaid.

(2) A tenancy under sub-section (1)—

(a) shall be in respect of land not exceeding one hectare specified in the agreement;

(b) shall be—

(i) for a term not exceeding 21 years;

(ii) for such rent and other charges;

(iii) subject to such terms conditions and covenants—

as is or are determined by the Minister and specified in the agreement.

(3) An agreement for a tenancy under this section may authorize the construction erection or provision on the land or on a specified part or specified parts of the land and for the purposes specified in sub-section (1) of specified structures apparatus or equipment or structures apparatus or equipment of any specified class for such charges and subject to such terms conditions and covenants as the Minister determines and specifies in the agreement.

32C. Arthurs Seat

S. 32C
 inserted by
 No. 9114 s. 15.

(1) The Minister may in writing grant to a person for a period not exceeding seven years for such rent and other charges and subject to such terms conditions and covenants as the Minister determines a tenancy of land (but not including buildings except as specified in the agreement)

S. 32C(1)
 amended by
 No. 57/1995
 s. 35 (as
 amended by
 No. 74/2000
 s. 3(Sch. 1
 item 88.2)).

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s. 32CA

described in Part 2 of Schedule Two B for use in accordance with an agreement under this section.

- (2) An agreement for the purposes of sub-section (1) may—
- (a) grant a tenancy of any specified building for residential purposes of persons in connexion with the conduct of the riding school;
 - (b) authorize—
 - (i) the conduct of a riding school on the land;
 - (ii) the use of any specified or any specified class of structures facilities or equipment on the land in connexion with the keeping of horses and the conduct of the school;
 - (iii) the erection or provision of specified or any specified class of structures facilities or equipment appropriate to the keeping of horses and the conduct of the riding school; and
 - (iv) the hiring out of horses for riding on the land and on other land zoned for horse riding in the park—

for such fees and other charges and subject to such terms conditions and covenants as the Minister determines and specifies in the agreement.

S. 32CA
 inserted by
No. 7/1997
s. 7.

32CA. Arthurs Seat chairlift lease

- (1) The addition of land to Part 2 of Schedule Two B by section 17(2) of the **National Parks (Amendment) Act 1997** does not affect—
- (a) the continuity of the lease between the State of Victoria and Alena Marie Hajek over Allotments 8, 9, 10 and 11 of Section D in the Township of Dromana, Parish of

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s. 32D

Kangerong, County of Mornington dated
1 February 1979; or

- (b) any dealing in that land under that lease
before the commencement of that section.
- (2) The lease referred to in sub-section (1) continues
in force for the period of the lease despite
anything to the contrary in this Act or any other
Act.
- (3) Upon the expiration of the lease referred to in sub-
section (1), the Minister is empowered to grant a
tenancy of the land described in Part 2 of
Schedule Two B which is being or has, at any
time, been used for the purposes of a chairlift or
land which is in the vicinity of such land.
- (4) A tenancy under sub-section (3)—
 - (a) must be granted in writing; and
 - (b) must be for a term of not more than 20 years;
and
 - (c) is subject to the rent and any other charges
and terms and conditions determined by the
Minister.

32D. Authorities to search for minerals in certain parks

S. 32D
(Heading)
inserted by
No. 50/2002
s. 8(1).

S. 32D
inserted by
No. 9247 s. 12.

- (1) Notwithstanding anything contained in this or any
other Act, the Minister may by notice in the
Government Gazette designate the area or areas
in—

S. 32D(1)
amended by
Nos 9570
s. 11(4), 10073
s. 8(1).

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S. 32D(1)(a)
 inserted by
 No. 10073
 s. 8(1),
 amended by
 Nos 44/1986
 s. 11, 38/1989
 ss 18(3)(i), 25,
 57/1995
 s. 36(a)(b),
 7/1997 s. 8,
 substituted by
 No. 50/2002
 s. 8(2).

S. 32D(1)(b)
 inserted by
 No. 10073
 s. 8(1),
 substituted by
 No. 50/2002
 s. 8(2).

S. 32D(1)(c)
 inserted by
 No. 10073
 s. 8(1),
 amended by
 No. 38/1989
 s. 18(3)(j),
 substituted by
 No. 50/2002
 s. 8(2).

S. 32D(1)(d)
 inserted by
 No. 10073
 s. 8(1),
 amended by
 No. 38/1989
 s. 18(3)(k),
 repealed by
 No. 50/2002
 s. 8(2).

- (a) the parks described in any of the following—
 - (i) Part 30, 41, 42 or 43 of Schedule Two;
 - (ii) Part 15, 26, 31, 36 or 38 of Schedule Two B;
 - (iii) Part 1 or 13 of Schedule Three;
 - (iv) Part 8 of Schedule Four—
 in which searching for minerals under a miner's right or tourist fossicking authority will be permitted;
- (b) the parks described in any of the following—
 - (i) Part 31 of Schedule Two;
 - (ii) Part 15 or 30 of Schedule Two B;
 - (iii) Part 15 of Schedule Three—
 in which searching for gemstones under a miner's right or tourist fossicking authority will be permitted;
- (c) the tidal zones of the park described in Part 4 of Schedule Four in which searching for gemstones under a miner's right or tourist fossicking authority will be permitted.

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(2) Upon the designation of an area pursuant to sub-section (1), the Secretary may—

- (a) grant a permit by writing under his hand to any person or persons named therein; or
- (b) by notice published in the Government Gazette authorize any class or classes of persons—

S. 32D(2)
substituted by
Nos 10073
s. 8(2),
amended by
No. 70/1998
s. 14(Sch.
item 27),
50/2002
s. 8(3).

to search for minerals in that area.

(3) Any permission or authorization given under sub-section (2) shall be subject to any restrictions and conditions which the Secretary may determine.

S. 32D(3)
substituted by
No. 10073
s. 8(2),
amended by
No. 70/1998
s. 14(Sch.
item 27).

(4) The property in minerals passes from the Crown to a person acting in accordance with any permission or authorization given under sub-section (2) when the minerals are separated from the land.

S. 32D(4)
inserted by
No. 82/2000
s. 75.

32E. Grazing in Barmah Park

S. 32E
inserted by
No. 7/1987
s. 7.

(1) The Minister may grant a licence to graze cattle in the Barmah State Park to any person or persons whom the Barmah Forest Grazing Advisory Committee recommends as a fit or proper person or persons to be granted a licence.

S. 32E(1)
amended by
No. 57/1995
s. 37(a).

(2) A grazing licence under sub-section (1)—

- (a) is granted for a period of one year commencing on 1 May in any year and may be renewed; and

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- (b) is subject to any fees and conditions determined by the Minister in consultation with the Barmah Forest Grazing Advisory Committee; and
- (c) allows the holder of the licence to graze cattle in any part of the Barmah State Park except a reference area and Ulupna Island.

S. 32E(2)(c)
amended by
No. 57/1995
s. 37(b).

S. 32F
inserted by
No. 7/1987
s. 7.

32F. Barmah Forest Grazing Advisory Committee

- (1) There is established a committee to be known as the Barmah Forest Grazing Advisory Committee.
- (2) The Advisory Committee consists of eight members appointed by the Minister of whom—
 - (a) one is to be appointed by the Minister as the convenor; and
 - (b) three are to be persons nominated by the Barmah Forest Cattlemens Association; and
 - (c) one is to be a person nominated by the Yielima Forest Graziers Association; and
 - (d) three are to be officers of the Department of Natural Resources and Environment.
- (3) Sub-sections (3), (4), (6), (7), (8) and (9) of section 14 apply to the Advisory Committee.
- (4) The Advisory Committee may advise the Minister on any matters relating to grazing that it considers appropriate.

S. 32F(2)(d)
amended by
No. 46/1998
s. 7(Sch. 1).

32FAA. Protection of access rights of freeholders in Cathedral Range State Park

- (1) The Minister may grant to a person who holds a fee simple in land abutting or surrounded by the park any rights of access over the park to that land, which are, in the Minister's opinion, reasonable.

S. 32FAA
inserted by
No. 7/1997
s. 9.

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- (2) A right of access under sub-section (1) is subject to any terms and conditions determined by the Minister.
- (3) For the purpose of allowing a person to exercise a right under sub-section (1), the Minister may exempt that person from any regulation affecting the park.
- (4) In this section "**park**" means the land referred to in Part 8 of Schedule Two B.

32FA. Grazing in Lysterfield Park

S. 32FA
inserted by
No. 57/1995
s. 38.

- (1) The Minister may grant a licence to graze cattle in the Lysterfield Park to any person.
- (2) A grazing licence under sub-section (1)—
 - (a) is granted for a period of 1 year and may be renewed; and
 - (b) is subject to any fees and conditions determined by the Minister; and
 - (c) allows a holder of the licence to graze cattle in that part of the Lysterfield Park specified in the licence which must be within the area shown hatched on the plan referred to in Part 10 of Schedule Three.

32G. The hunting of feral animals

S. 32G
inserted by
No. 7/1987
s. 7,
amended by
No. 57/1995
s. 39.

Notwithstanding the declaration of the land in Part 3 of Schedule Two B as a park the hunting of feral animals is permitted subject to section 37.

32H. Protection of catchment area and its water resources—Kinglake National Park and Yarra Ranges National Park

S. 32H
inserted by
No. 57/1995
s. 9.

- (1) The Secretary, in carrying out the duties or performing the functions of his or her office or exercising powers in relation to a designated water supply catchment area, and any other person or body, in carrying out duties or performing

S. 32H(1)
amended by
No. 70/1998
s. 14(Sch.
item 28).

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functions or exercising powers in relation to such an area, must regard the paramount consideration as being the need to—

- (a) protect that area; and
 - (b) maintain the water quality of and otherwise protect the water resources of that area.
- (2) The Secretary must ensure that each designated water supply catchment area is controlled and managed in accordance with the objects of this Act in a manner that will—
- (a) protect that area; and
 - (b) maintain the water quality of and otherwise protect the water resources of that area.
- (3) Without limiting section 20, the Secretary has power to do anything in relation to a designated water supply catchment area that he or she considers necessary to—
- (a) protect that area; and
 - (b) maintain the water quality of and otherwise protect the water resources of that area.

32I. Management agreement with MWC—Kinglake National Park and Yarra Ranges National Park

- (1) The Secretary may enter into an agreement with Melbourne Water Corporation for the management by Melbourne Water Corporation of a designated water supply catchment area.
- (2) An agreement under sub-section (1)—
 - (a) must be in writing;
 - (b) must be consistent with the objects of this Act and with the duties imposed on the Secretary by sections 17(2)(ba), 17(3) and 32H;

S. 32H(2)
amended by
No. 70/1998
s. 14(Sch.
item 28).

S. 32H(3)
amended by
No. 70/1998
s. 14(Sch.
item 28).

S. 32I
inserted by
No. 57/1995
s. 9.

S. 32I(1)
amended by
No. 70/1998
s. 14(Sch.
item 29).

S. 32I(2)(b)
amended by
No. 70/1998
s. 14(Sch.
item 29).

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- (c) may be amended from time to time or terminated by a further written agreement between the parties.
- (3) An agreement under sub-section (1)—
- (a) must specify those duties, functions and powers imposed on the Secretary by or under this Act which may be carried out by Melbourne Water Corporation in relation to a designated water supply catchment area;
 - (b) must specify those functions or powers of Melbourne Water Corporation under the **Melbourne and Metropolitan Board of Works Act 1958** or as a licensee under the **Water Industry Act 1994** which may be performed by Melbourne Water Corporation in relation to a designated water supply catchment area;
 - (c) may provide for the management and control by Melbourne Water Corporation of any property within the designated water supply catchment area;
 - (d) must contain provisions with respect to—
 - (i) the protection of conservation values within the designated water supply catchment area;
 - (ii) fire protection and fire management within that area;
 - (iii) prohibiting or regulating the activities of people in that area and access to that area by people;
 - (iv) once-only harvesting of forest produce from those areas shown cross-hatched on the plans referred to in Parts 10 and 39 of Schedule Two and the rehabilitation of those areas;

S. 32I(3)(a)
 amended by
 No. 70/1998
 s. 14(Sch.
 item 29).

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- (v) the procedures to be followed to prevent or settle disputes concerning the management of that area that arise between the parties during the currency of the agreement including the submission of any unresolved dispute to the Minister, the Minister administering the **Melbourne Water Corporation Act 1992** and the Minister administering section 17 of the **State Owned Enterprises Act 1992** for a decision that is to be binding on the parties.
- (4) It is deemed to be a term of any agreement under sub-section (1) that, notwithstanding any other provision of this Act, it is the function of Melbourne Water Corporation to determine the policy necessary in a designated water supply catchment area—
 - (a) to protect those areas for the purposes of water supply; and
 - (b) to maintain the water quality of and otherwise protect the water resources in those areas; and
 - (c) to restrict human activity for the purposes of giving effect to paragraphs (a) and (b).

32J. Access to property—Kinglake National Park and Yarra Ranges National Park

The Minister must grant to Melbourne Water Corporation that reasonable right of access to property within Kinglake National Park and Yarra Ranges National Park which is owned, controlled or managed by Melbourne Water Corporation, which, in the Minister's opinion, will allow Melbourne Water Corporation to exercise its

S. 32J
 inserted by
No. 57/1995
s. 9.

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powers and functions with respect to that property.

32K. Control and management of structures and installations—Kinglake National Park and Yarra Ranges National Park

S. 32K
inserted by
No. 57/1995
s. 9.

- (1) Melbourne Water Corporation may manage and control any structures and installations (other than those built or installed by the Secretary) in a designated water supply catchment area.
- (2) For the purposes of giving effect to sub-section (1), Melbourne Water Corporation may operate, repair, replace, maintain, remove, connect, disconnect or do any other thing necessary to manage or control any structure or installation.
- (3) In this section "**structures and installations**" includes, but is not limited to, dam walls, reservoirs, weirs, tunnels, roads, tracks, buildings, towers and fences.

S. 32K(1)
amended by
No. 70/1998
s. 14(Sch.
item 30).

32L. Extraction of forest produce from Kinglake National Park and Yarra Ranges National Park

S. 32L
inserted by
No. 57/1995
s. 9.

- (1) The Melbourne Water Corporation may take sell or otherwise dispose of forest produce in the land shown cross-hatched on the plans referred to in Parts 10 and 39 of Schedule Two in accordance with any management agreement entered into under section 32I, or, if there is no agreement, in accordance with terms and conditions agreed to by the Secretary and Melbourne Water Corporation.
- (2) For the purpose of this section, "**forest produce**" has the same meaning as in the **Forests Act 1958**.

S. 32L(1)
amended by
No. 70/1998
s. 14(Sch.
item 31).

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S. 32M
inserted by
No. 57/1995
s. 9.

32M. Determination of disputes—Kinglake National Park and Yarra Ranges National Park

S. 32M(1)
amended by
No. 70/1998
s. 14(Sch.
item 32).

- (1) If the Secretary and Melbourne Water Corporation have not entered into an agreement under section 32I and if there is a dispute between the Secretary and Melbourne Water Corporation about the management of a designated water supply catchment area, either the Secretary or Melbourne Water Corporation may refer the dispute to the Minister, the Minister administering the **Melbourne Water Corporation Act 1992** and the Minister administering section 17 of the **State Owned Enterprises Act 1992** for determination.

S. 32M(2)
amended by
No. 70/1998
s. 14(Sch.
item 32).

- (2) A decision of the Ministers under sub-section (1) is binding on the Secretary and Melbourne Water Corporation.

S. 32N
inserted by
No. 57/1995
s. 9.

32N. Restricted areas—Kinglake National Park and Yarra Ranges National Park

- (1) The Minister, after consultation with the Minister administering the **Melbourne Water Corporation Act 1992**, may, by notice published in the Government Gazette, prohibit, regulate or control access of persons to that part of a designated water supply catchment area specified in the notice, if the Minister is of the opinion that to prevent access of persons to that part of the catchment area is necessary for the purposes of—
- (a) protecting that area for the purposes of water supply; or
 - (b) maintaining the water quality of and otherwise protecting the water resources of that area.

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- (2) A notice under sub-section (1)—
 - (a) may be general or of limited application; and
 - (b) takes effect from the date of publication in the Government Gazette or from any later date specified in the notice; and
 - (c) in the absence of a date specified in the notice continues to have effect until 90 days after publication in the Government Gazette of the notice; and
 - (d) may not provide that it continues to have effect for any period exceeding 12 months.
- (3) As soon as possible after publication of the notice in the Government Gazette, the Minister must publish a notice in a newspaper circulating generally in the area likely to be affected by the notice stating that he or she has published the notice.
- (4) Part 5 of the **Subordinate Legislation Act 1994** applies to a notice under this section as if that notice were a statutory rule within the meaning of that Act that had been laid before Parliament on the day on which the notice was published in the Government Gazette.
- (5) A person must comply with a notice under this section.

Penalty: 20 penalty units.

320. Access rights—French Island Marine National Park

- (1) The Minister may grant to a person who holds a fee-simple interest in land on French Island any rights of access to that land over the park that are, in the Minister's opinion, reasonable.
- (2) A right of access under sub-section (1) is subject to any terms and conditions determined by the Minister.

S. 320
 inserted by
No. 40/2002
 s. 8.

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s. 32O

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- (3) For the purpose of allowing a person to exercise a right of access under sub-section (1), the Minister may exempt that person from any regulation made under this Act affecting the park.
- (4) In this section "**park**" means the land described in Part 6 of Schedule Seven.
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PART IV—GENERAL

33. Rents etc. to be paid into the Consolidated Fund

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S. 33(1)
repealed by
No. 9861
s. 3(1).
- (2)

There shall be paid into the Consolidated Fund any moneys received by a Committee, the Council or any other person—

(a)

by way of rents, fees, tolls or other charges payable under this Act or the regulations, whether under a lease, licence, permit, tenancy or other instrument granted under this Act or the regulations or by or under the **National Parks Act 1975** or a corresponding previous enactment or the regulations made thereunder;

(b)

from the provision to the public of services, facilities or goods under this Act or the regulations;

(c)

from the sale or disposal of produce under section 26; or

(d)

otherwise in accordance with the provisions of this Act.

S. 33(2)
amended by
No. 9570
s. 8(2)(a)–(c),
substituted by
No. 9861
s. 3(1).
- (2A)

Sub-section (2) does not apply to money received by the Melbourne Water Corporation from the taking, sale or disposal of forest produce under section 32L.

S. 33(2A)
inserted by
No. 57/1995
s. 10.
- (3)

The moneys appropriated by Parliament for national park purposes shall be applied only in the payment of—

(a)

the costs and expenditure incurred under this Act in the administration of this Act;

S. 33(3)
substituted by
No. 9570
s. 8(1),
amended by
No. 9861
s. 3(1).

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s. 33

S. 33(3)(b)
repealed by
No. 9861
s. 3(1).

S. 33(3)(e)
amended by
Nos 9902
s. 2(1)(Sch.
item 186),
46/1998
s. 7(Sch. 1).

S. 33(3)(f)
amended by
No. 9902
s. 2(1)(Sch.
item 186).

S. 33(3)(g)(ia)
inserted by
No. 10166
s. 15,
amended by
No. 70/1998
s. 14(Sch.
item 33).

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- (c) remuneration and allowances payable under this Act;
 - (d) the whole or part of the cost of carrying out works under section 25;
 - (e) the whole or part of the cost of carrying out works for the establishment of roads or tracks into a park where those works are carried out by arrangement between the Minister and the Minister administering the **Planning and Environment Act 1987** or the Minister administering Part 4 of the **Transport Act 1983**;
 - (f) subject to the approval of the Minister, the whole or part of the costs of the purchase or acquisition of land purchased or acquired or proposed to be purchased or acquired under section 5 of the **Crown Land (Reserves) Act 1978** for the purpose of a park; or
 - (g) costs and expenditure incurred in the administration, protection or management—
 - (i) of any land of which the Council is, pursuant to section 14 of the **Crown Land (Reserves) Act 1978**, the committee of management;
 - (ii) of any land the subject of an agreement under section 19A;
 - (ia) of any land managed by the Secretary under section 19AA, 19C or 19E;

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- (iii) of any land placed under the control and management of the Secretary pursuant to section 18(1) of the **Crown Land (Reserves) Act 1978**; or

(iv) of any land managed by the Secretary pursuant to an agreement made under section 19D.
- S. 33(3)(g)(iii) amended by No. 70/1998 s. 14(Sch. item 33).

S. 33(3)(g)(iv) amended by No. 70/1998 s. 14(Sch. item 33).

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S. 34 amended by Nos 9114 s. 16, 9212 s. 2(2), 9247 s. 16, 9427 s. 6(1)(Sch. 5 items 119, 120), repealed by No. 9570 s. 8(3).

35. Annual report

- (1) The Secretary shall within three months after each year ending on 30 June submit to the Minister a report on the working of this Act during that year and on such other matters as the Minister directs.

(2) The Minister shall cause a report under sub-section (1) to be laid before both Houses of Parliament within three weeks after it is received or, if Parliament is not then sitting, within three weeks after the next assembling of Parliament.
- S. 35(1) amended by No. 70/1998 s. 14(Sch. item 34).

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S. 35A inserted by No. 7/1997 s. 10, amended by No. 46/1998 s. 7(Sch. 1), repealed by No. 70/1998 s. 8.

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s. 36

S. 36
 substituted by
 No. 9247 s. 5.

S. 36(3)
 amended by
 No. 66/1996
 s. 205.

36. Seizure and forfeiture of guns and other weapons

- (1) An authorized officer or a member of the police force may in a park seize a gun or other weapon unless the gun or other weapon is in the possession of a person authorized under this or another Act to use carry or have in his possession in the park the gun or other weapon.
- (2) Where a gun or other weapon is seized pursuant to sub-section (1) and an action is brought against the person in possession of that gun or other weapon and that person is convicted of an offence of using that gun or other weapon in a park in contravention of this Act that gun or other weapon is forfeited to the Crown and shall be disposed of as the Minister directs.
- (3) In any other case where a gun or other weapon is seized pursuant to sub-section (1) and a court convicts a person of any offence in respect of which the seizure was made the court may authorize the return of the gun to the person convicted or to the owner (as the case requires) but where the person convicted is proved to have been previously convicted of an offence relating to the use carrying or possession of a gun or other weapon in a park or relating to the use of a gun in contravention of the **Wildlife Act 1975** or of an offence under the **Firearms Act 1996** the court shall order the forfeiture of the gun to the Crown and it shall be disposed of as the Minister directs.
- (4) Where—
 - (a) a gun or other weapon is seized under this section; and
 - (b) no action is taken under this Act against the person from whom the gun or other weapon was seized within six months of the date upon which it was seized; and

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- (c) at the expiry of the six-month period referred to in paragraph (b), the person from whom the gun or other weapon was seized is duly notified in writing sent by post to his last known address that no action has been taken under this Act and that he may claim the gun or other weapon; and
- (d) the gun or other weapon is not claimed within twelve months of the date on which the notice was posted—

the gun or other weapon shall be disposed of as the Minister directs.

- (5) Where any gun or other weapon is disposed of by sale pursuant to this section the proceeds of sale shall be paid into the Consolidated Fund.

S. 36(5)
amended by
No. 9861
s. 3(1).

37. Secretary may consent to certain guns or other weapons being carried or used

S. 37
amended by
No. 9247
s. 6(a).

- (1) The Secretary may by instrument in writing authorize an authorized officer or another person to use carry or have in his possession a gun or other weapon in a specified park for such purposes, at such times and on such conditions as he specifies.

S. 37(1)
amended by
No. 70/1998
s. 14(Sch.
item 35).

- (2) Notwithstanding anything contained in subsection (1) the Secretary may—

S. 37(2)
inserted by
No. 9247
s. 6(b),
amended by
Nos 10166
s. 16(a)(b),
38/1989
s. 18(3)(l),
43/1990
s. 16(3),
7/1997
s. 11(1)(a)(b),
70/1998
s. 14(Sch.
item 35),
50/2002
s. 9(a)–(c).

- (a) grant a permit to any person or persons named therein; or
- (b) by notice published in the Government Gazette authorize any class or classes of persons—

to carry or use any firearms or other weapons or class or classes of firearms or other weapons in the parks or in parts of the parks described in the specified areas of Part 37 of Schedule Two or

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Part 38 of Schedule Two B or Parts 2A, 3, 6 and 8 of Schedule Three or Parts 4 and 5 of Schedule Four for such period or periods as are specified and subject to such conditions and restrictions as are specified in the permit or notice.

- (3) Notwithstanding anything contained in sub-sections (1) and (2) the Secretary may—

- (a) grant a permit to any person or persons named therein; or
- (b) by notice published in the Government Gazette authorize any class or classes of persons—

to carry and use any firearms or other weapons or class or classes of firearms or other weapons in the course of hunting deer by stalking in the parks described in Parts 7 and 8 and the specified areas of Part 27 or Part 37 of Schedule Two and Part 2 of Schedule Two A and Parts 4 and 5 of Schedule Four or in such part or parts of the parks for such period or periods and subject to such conditions and restrictions as are specified in the permit or notice.

- (4) The Secretary may revoke a permit granted under sub-section (3) by notice in writing given to the person or persons named in the permit or sent to them at their address or addresses notified in the permit.

- (5) The Secretary may revoke amend or alter any authority given pursuant to paragraph (b) of sub-section (2) or paragraph (b) of sub-section (3) by a notice published in the Government Gazette.

S. 37(3)
inserted by
No. 9247
s. 6(b),
substituted by
No. 9570 s. 9,
amended by
Nos 44/1986
s. 12, 37/1989
s. 8(b),
38/1989
s. 18(3)(m),
40/1992
s. 8(b),
57/1995
s. 40(a)(i)–(iii),
7/1997
s. 11(2)(a)(b),
70/1998
s. 14(Sch.
item 35).

S. 37(4)
Inserted by
No. 9570 s. 9,
amended by
No. 70/1998
s. 14(Sch.
item 35).

S. 37(5)
inserted by
No. 9570 s. 9,
amended by
No. 70/1998
s. 14(Sch.
item 35).

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- (6) The Governor in Council may make such regulations as are necessary or convenient to regulate hunting in the parks described in Parts 7 and 8 and the specified areas of Parts 27 and 37 of Schedule Two and Part 2 of Schedule Two A and Part 10 of Schedule Two B and Parts 2A, 3, 6, 8 and 12 of Schedule Three and Parts 4 and 5 of Schedule Four.
- (7) In sub-section (2), "**specified areas**" means those areas of Part 37 of Schedule Two marked A1 and shown by dark shading or vertical hatching or marked A6/A6A or A8 and shown by light shading on the plan lodged in the Central Plan Office and numbered N.P. 70/1f.
- (7A) In sub-sections (3) and (6), "**specified areas**", in relation to the park described in Part 27 of Schedule Two, means that part of the park described in Part 27 of Schedule Two east of the Thomson Valley Road.
- (8) In sub-sections (3) and (6), "**specified areas**", in relation to the park described in Part 37 of Schedule Two, means those areas of Part 37 of Schedule Two marked A1 and shown by dark shading or vertical hatching, marked A6/A6A, A7, A7A, A8, A9, A10, A11, A12 and A19 and shown by light shading or marked A13 and A13A and shown by light shading or cross hatching, marked A14 and shown by light shading or open circle pattern, marked A20 and shown by light shading, herringbone pattern, diagonal hatching or open circle pattern or marked A21 and shown by light shading or open circle pattern or marked WONG. and shown by hatching on the plan lodged in the Central Plan Office and numbered N.P. 70/4f and such other areas of Part 37 as may be specified in

S. 37(6)
inserted by
No. 9570 s. 9,
amended by
Nos 44/1986
s. 12, 38/1989
s. 18(3)(n),
43/1990
s. 16(4),
40/1992
s. 8(c),
57/1995
s. 40(b),
7/1997
s. 11(3)(a)–(c).

S. 37(7)
inserted by
No. 37/1989
s. 8(d),
amended by
Nos 40/1992
s. 5(1)(a)(b),
46/1998
s. 7(Sch. 1).

S. 37(7A)
inserted by
No. 57/1995
s. 40(c).

S. 37(8)
inserted by
No. 37/1989
s. 8(d),
amended by
Nos 40/1992
s. 5(2)(a)–(f),
57/1995
s. 40(d),
46/1998
s. 7(Sch. 1),
50/2000
s. 7(a)(b).

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a management plan for the park described in that part but excluding any areas under the **Reference Areas Act 1978**.

- (9) A person who does not comply with the conditions specified in a notice given under sub-section (3)(b) is guilty of an offence and liable to a penalty not exceeding 20 penalty units.

37AA. Secretary may consent to weapons other than guns being carried through parks

- (1) Notwithstanding anything in section 37, the Secretary may, by notice published in the Government Gazette, authorise that any weapon or class of weapons, other than firearms, may be carried by or be in the possession of any person in the park specified in the notice.
- (2) An authorisation under sub-section (1) is—
- (a) for the period; and
 - (b) subject to the conditions and restrictions (if any)—
- specified in the notice.

37A. Minister may cause to be erected signs to indicate parks

- (1) The Minister may with the consent of the Roads Corporation—
- (a) cause to be erected or placed upon or across a road—
 - (i) any structure or sign to indicate an entrance to the park which is adjacent to the road or entered from the road;

S. 37(9)
inserted by
No. 37/1989
s. 8(d),
amended by
No. 57/1995
s. 40(e).

S. 37AA
inserted by
No. 57/1995
s. 41.

S. 37AA(1)
amended by
No. 70/1998
s. 14(Sch.
item 36).

S. 37A
inserted by
No. 10166
s. 17(1).

S. 37A(1)
amended by
No. 44/1989
s. 41(Sch. 2
item 29.4(a)).

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- (ii) in the vicinity of any such structure or sign a building or other structure for use as shelter by and office accommodation for persons carrying out functions referred to in sub-sections (2) and (3);
 - (iii) any notice sign light or other device to notify users of the road that they are approaching an entrance to the park adjacent to the road, or entered from the road;
 - (b) carry out minor roadworks, construct entrance stations, install speed humps and erect signs on a road to facilitate the collection of fees for entry to the park which is adjacent to or entered from the road;
 - (c) after consultation with the Roads Corporation, erect on a road traffic control signals at fee collection points.
- (2) Any tolls or fees or charges payable—
- (a) for entry into the park which is adjacent to or entered from a road;
 - (b) for any permit or authority under the Act in relation to the park which is adjacent to or entered from a road—
- may be collected by an authorized officer in respect of the park from persons passing any structure or sign erected under sub-section (1).
- (3) Where any fee or charge payable in respect of a permit or authority which may be granted by the Secretary pursuant to section 21 has been paid, an authorized officer may issue the permit or authority to the person to whom the permit or authority is granted and who passes any structure or sign erected under sub-section (1).
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S. 37A(1)(c)
amended by
No. 44/1989
s. 41(Sch. 2
item 29.4(b)).

S. 37A(3)
amended by
No. 70/1998
s. 14(Sch.
item 37).

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- (4) Sections 36, 37 and 44 of the Act shall apply to a road specified under sub-section (5) as if the road formed part of the park which is adjacent to or entered from the road.
- (5) This section shall apply to—
- (a) a road that is—
 - (i) the Wilson's Promontory Road;
 - (ii) the Mount Buffalo Road—

as respectively declared to be a tourist road pursuant to or for the purposes of the **Transport Act 1983**;
 - (b) a road or part of a road that is a declared road under the **Transport Act 1983**—
 - (i) that—
 - (A) is bounded on each side by a park and terminates in the park; or
 - (B) leads into and terminates in a park; and
 - (ii) has by notice in the Government Gazette been declared by the Roads Corporation to be a road or part of a road to which this section or a provision of this section shall apply; and
 - (c) a road or part of a road that is not a declared road under the **Transport Act 1983** that—
 - (i) is bounded on each side by a park or leads into a park; and
 - (ii) has by notice in the Government Gazette been declared by the council of the municipality responsible for maintaining the road to be a road or

S. 37A(5)(b)(i)
 amended by
No. 38/1989
s. 35(c).

S. 37A(5)(b)(ii)
 amended by
No. 44/1989
s. 41(Sch. 2
item 29.4(a)).

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part of a road to which this section or a provision of this section shall apply.

- (6) For the purposes of sub-section (5) a road shall be treated as terminating in a park notwithstanding that the road is set out on a plan in Schedule Two or Three as a road which continues through the park if the road is not open and kept open to the public for public use and public traffic free from obstructions (other than temporary obstructions) so that a vehicle may pass through the park on the road.

38. Authorised officer may demand name etc.

No. 8083 s. 24.

- (1) An authorized officer may—

S. 38
amended by
No. 40/2002
s. 9 (ILA
s. 39B(1)).

- (a) where he believes on reasonable grounds that a person has contravened or is contravening this Act or the regulations, request him to state his name and address;
- (b) where he believes on reasonable grounds that a person in a park is contravening this Act or the regulations, request him to leave the park;
- (c) where he believes on reasonable grounds that a person in a park is doing or intends to do anything in respect of which a licence permit or other authority is required under this or any other Act or enactment, request that person to produce for inspection the licence, permit or other authority; and
- (d) where he is carrying out any functions referred to in sub-section (2) or (3) of section 37A and believes on reasonable grounds that a person passing a sign or structure erected pursuant to that section intends to do in the park which is adjacent to or entered from the road anything for which a licence permit or other authority is required

S. 38(b)
amended by
No. 9114
s. 17(a).

S. 38(c)
amended by
No. 9114
s. 17(b).

S. 38(d)
inserted by
No. 9114
s. 17(c),
amended by
Nos 10166
s. 17(3)(a)(b),
57/1995 s. 11.

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under this or any other Act or enactment,
 request the person to produce for inspection
 the licence permit or authority; and

- (e) where he believes on reasonable grounds that
 a person in a park is acting in a manner
 which has damaged or polluted or poses a
 threat of damaging or polluting a designated
 water supply catchment area, direct that
 person to stop so acting and to rectify any
 damage he or she has caused.

- (2) An authorised officer may direct any person who
 is in a marine national park or a marine sanctuary
 to cease engaging in an activity in the park, if, in
 the opinion of the authorised officer, the activity
 in which the person is engaging contravenes this
 Act, regulations made under this Act or a permit
 issued under this Act.

38AA. Production of identification

- (1) An authorised officer must produce his or her
 identification for inspection, if asked to do so—
- (a) before exercising the authorised officer's
 power under section 38(2); and
- (b) at any time during the exercise of any such
 power under section 38(2)—

unless the request is unreasonable in the
 circumstances.

- (2) In this section, "**identification**", in relation to an
 authorised officer, means a document that—
- (a) sets out the name of the authorised officer;
 and
- (b) contains a photograph of the authorised
 officer; and

S. 38(e)
 inserted by
 No. 57/1995
 s. 11.

S. 38(2)
 inserted by
 No. 40/2002
 s. 9.

S. 38AA
 inserted by
 No. 40/2002
 s. 10.

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- (c) indicates the fact that the person named in the document is authorised—

and that is in a form approved by the Secretary.

38A. Powers of authorised officers within catchment areas

S. 38A
inserted by
No. 57/1995
s. 12.

- (1) An authorised officer may require the owner of a motor vehicle found on any occasion within a designated water supply catchment area in contravention of the regulations—
 - (a) to give any information which it is within the power of the owner to give and which may lead to the identification of any person who was the driver of the motor vehicle on that occasion; or
 - (b) to make all reasonable enquiries in order to obtain that information.
- (2) An owner of a motor vehicle must not fail to comply with a requirement made under sub-section (1).
Penalty: 20 penalty units.
- (3) For the purposes of sub-sections (1) and (2)—
 - (a) "**motor vehicle**" has the same meaning as in the **Road Safety Act 1986**;
 - (b) "**owner**" means the owner or the person in whose name the motor vehicle was registered at the time when the requirement is made under sub-section (1) or any person who had possession or control of the vehicle at that time.

39. Application of section 188A of the Land Act 1958

The provisions of section 188A of the **Land Act 1958** and Schedule Seven A to that Act apply to and with respect to a building structure standing crop or improvement or any thing whatsoever that

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is constructed or placed or is found in a park as if—

- (a) a reference in that section to Crown land were a reference to a park;
- (b) a reference to a person appointed as an authorised officer under the **Conservation, Forests and Lands Act 1987** for the purposes of the **Land Act 1958** were a reference to an authorized officer; and
- (c) a reference to the Minister were a reference to the Minister within the meaning of this Act.

S. 39(b)
amended by
No. 41/1987
s. 103(Sch. 4
item 49.10).

No. 8083 s. 11.

S. 40(1)
amended by
Nos 9936
s. 108(a),
38/1989
s. 26(1),
92/1990
s. 128(Sch. 1
item
19.1(a)(b)),
67/1995
s. 58(Sch. 1
item 11),
84/2003
s. 18(a).

S. 40(1AA)
inserted by
No. 38/1989
s. 26(2),
amended by
No. 84/2003
s. 18(b).

S. 40(1AA)(b)
repealed by
No. 92/1990
s. 128(Sch. 1
item 19.2(a)).

40. Consent to mining leases and licences

- (1) Except as provided in this section a lease licence permit consent or other authority shall not be granted under the **Mineral Resources Development Act 1990** or the **Extractive Industries Development Act 1995** in respect of any part of a park except with the consent of the Minister and subject to such terms and conditions as he thinks fit to impose.

(1AA) The Minister must not consent—

- (a) to the grant of a lease, licence, permit, consent or other authority in respect of land in a national park, State park or wilderness park; or

* * * * *

unless—

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- (c) the land is subject to another lease, licence, permit, consent or authority under the **Mineral Resources Development Act 1990** or the **Extractive Industries Development Act 1995**; or
- (d) an application for a lease, licence, permit, consent or other authority or registration was made before the relevant date.
- (1AAA) The Minister must not consent to the grant of a work authority under section 19 of the **Extractive Industries Development Act 1995** in respect of land in a marine national park or a marine sanctuary.
- (1AB) In sub-section (1AA), "**relevant date**" means—
- (a) in relation to land in a park that was a park before 1 October 1988—that date; and
- (b) in relation to any other land—
- (i) the date on which the Governor in Council makes a recommendation under the **Land Conservation Act 1970** on the use of the land; or
- (ii) if no such recommendation is made, the date on which the land became a park or part of a park.
- (1AC) Sub-sections (1AA), (3), (5) and (6) do not apply in relation to the consent of the Minister under sub-section (1) or a work authority granted under the **Extractive Industries Development Act 1995** in relation to the Basalt Hill Quarry in the Alpine National Park, being the area shown bordered in red on the plan lodged in the Central Plan Office and numbered N.P. 70BHQ.

S. 40(1AA)(c) amended by Nos 92/1990 s. 128(Sch. 1 item 19.2(b)), 67/1995 s. 58(Sch. 1 item 11), 84/2003 s. 18(b).

S. 40(1AA)(d) amended by No. 84/2003 s. 18(b).

S. 40(1AAA) inserted by No. 40/2002 s. 11(1).

S. 40(1AB) inserted by No. 38/1989 s. 26(2).

S. 40(1AC) inserted by No. 70/1998 s. 11.

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S. 40(1A)
inserted by
No. 9936
s. 108(b),
amended by
Nos 41/1987
s. 103(Sch. 4
item 49.11),
92/1990
s. 128(Sch. 1
item 19.1A(a)
(b)) (as
amended by
No. 27/1991
s. 4(6)),
67/1995
s. 58(Sch. 1
item 11),
84/2003
s. 18(c).

S. 40(1B)
inserted by
No. 9936
s. 108(b),
amended by
No. 41/1987
s. 103(Sch. 4
item 49.11).

S. 40(1C)
inserted by
No. 50/2002
s. 10(1).

- (1A) An exploration licence may be granted under the **Mineral Resources Development Act 1990** without the consent of the Minister for the time being administering the **Conservation, Forests and Lands Act 1987** over an area which is part of a park, but the licence shall not operate in relation to that area unless and until the Minister for the time being administering the **Conservation, Forests and Lands Act 1987** consents in writing to that part of the park being included in the licence area and during the period between the granting of the licence and the grant or refusal of that consent, no application shall be made or received under the **Mineral Resources Development Act 1990** or **Extractive Industries Development Act 1995** for a lease licence claim permit consent or other authority in respect of that part of the park.
- (1B) Where in relation to a part of a park the Minister for the time being administering the **Conservation, Forests and Lands Act 1987** refuses to give his consent to the part of the park being included in a licence area the licence shall upon that refusal cease to be in force in respect of that part of the park.
- (1C) Despite sub-sections (1) and (1AA) of this section, a mining licence or an exploration licence may be granted (if the Minister so consents) in respect of any part of the park described in Part 41 of Schedule Two that is shown by hatching or cross-hatching on the plans lodged in the Central Plan Office and numbered N.P. 105A and N.P. 105B.

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- (1D) A mining licence granted in accordance with sub-section (1C)—
- S. 40(1D)
inserted by
No. 50/2002
s. 10(1).
- (a) despite section 14 of the **Mineral Resources Development Act 1990**, does not entitle the holder to do anything in the part of the park in respect of which the licence has been granted other than construct and operate minor mining infrastructure; and
- (b) is subject to any terms and conditions imposed by the Minister as to the nature of the infrastructure and as to the effect any such infrastructure may have on the park.
- (1E) An exploration licence granted in accordance with sub-section (1C) is subject to any terms and conditions that the Minister thinks fit to impose.
- S. 40(1E)
inserted by
No. 50/2002
s. 10(1).
- (1F) Despite the application of sub-section (1) to the land described in Part 6 of Schedule Four and section 14 of the **Mineral Resources Development Act 1990**, a mining licence granted in respect of any part of the land so described does not entitle the holder to carry out mining on the land surface of the whole or any part of the land so described.
- S. 40(1F)
inserted by
No. 50/2002
s. 10(1).
- (1G) Despite any provision of this Act or section 14 of the **Mineral Resources Development Act 1990**, a mining licence granted in respect of any part of the land described in Part 6 of Schedule Four may authorise the holder to construct and operate minor mining infrastructure (whether on the surface or otherwise) of the land so described, if the Minister has consented to any such construction or operation.
- S. 40(1G)
inserted by
No. 50/2002
s. 10(1).
- (1H) A mining licence in respect of which a consent has been given under sub-section (1G) is subject to any terms and conditions imposed by the Minister as to the nature of the infrastructure and
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- S. 40(1H)
inserted by
No. 50/2002
s. 10(1).

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as to the effect the infrastructure may have on the land described in Part 6 of Schedule Four.

- (2) Despite anything in the **Petroleum Act 1998** or any authority granted under that Act, operations under such an authority must not be carried out—
- (a) in a wilderness park or a wilderness zone; or
 - (b) in a marine national park or a marine sanctuary except—
 - (i) for the purposes of petroleum exploration from an aircraft or from a vessel that is carried out in a manner which does not detrimentally affect the seabed of the park or any flora or fauna of the park; and
 - (ii) with the consent of the Minister and subject to any terms and conditions that the Minister thinks fit to impose; or
 - (c) in any land in any park (other than a wilderness park, wilderness zone, marine national park or marine sanctuary) except with the consent of the Minister and subject to any terms and conditions that the Minister thinks fit to impose.
- (3) A consent shall not be given by the Minister for the purposes of sub-section (1), (1A), (1C), (1G) or (2) unless the advice of the National Parks Advisory Council has been first obtained.
- (4) If any person is aggrieved by any refusal by the Minister to give consent under this section or by any terms or conditions imposed pursuant to this section he may in writing to the Minister appeal to the Governor in Council whose decision shall be final.

S. 40(2)
 substituted by
 No. 40/1992
 s. 17,
 amended by
 No. 96/1998
 s. 257(4)
 (a)–(c).

S. 40(2)(b)
 substituted by
 No. 40/2002
 s. 11(2).

S. 40(2)(c)
 inserted by
 No. 40/2002
 s. 11(2).

S. 40(3)
 amended by
 Nos 9936
 s. 108(c),
 50/2002
 s. 10(2).

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- (5) Any lease licence permit or consent to which sub-section (1) applies or any consent of the Minister under sub-section (1A) or (2)(c) shall be of no force or effect until fourteen sitting days after notice thereof has been laid before both Houses of Parliament.
- (6) Any such lease, licence, permit or consent to which sub-section (1) applies or any such consent of the Minister under sub-section (1A) or (2). shall be deemed to have been revoked if either House of Parliament passes a resolution (of which notice has been given in such House at any time within fourteen sitting days after notice of the grant of the lease licence permit or consent to which sub-section (1) applies or of the consent of the Minister has been laid before both Houses of Parliament) to that effect.
- (7) The Minister must cause notice of any mining licence or exploration licence to which sub-section (1C) or (1G) applies and any consent of the Minister to the granting of any such mining licence or exploration licence to be laid before both Houses of Parliament.

S. 40(5)
amended by
Nos 9936
s. 108(d),
40/2002
s. 11(3),
84/2003
s. 18(d).

S. 40(6)
amended by
Nos 50/2002
s. 10(3),
84/2003
s. 18(e)(f).

S. 40(7)
inserted by
No. 50/2002
s. 10(4).

40A. Leases etc. under the Petroleum (Submerged Lands) Act 1982 deemed to be subject to conditions

S. 40A
inserted by
No. 40/2002
s. 12.

Except as provided for under section 40B(2), a lease, licence or permit under the **Petroleum (Submerged Lands) Act 1982** that is either wholly or partly over land in a marine national park or a marine sanctuary is deemed to be subject to the conditions that—

- (a) exploration for petroleum must not be carried out under the lease, licence or permit in the park or sanctuary unless—

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- (i) it is done from a vessel or aircraft and is carried out in a manner that does not detrimentally affect the seabed of the park or any flora or fauna of the park; and
- (ii) before the exploration is carried out, the Minister consents to the carrying out of the exploration, subject to any terms and conditions that the Minister thinks fit to impose; and
- (iii) the exploration is carried out in accordance with any terms and conditions that the Minister has imposed on his or her consent; and
- (b) any other operations that are authorised by the lease, licence or permit are not carried out in the park or sanctuary.

40B. Pipelines and seafloor cables in marine national parks and marine sanctuaries

- (1) A consent to a use or development of Crown land involving a pipeline or a seafloor cable must not be granted under the **Coastal Management Act 1995**—
 - (a) in respect of any part of a marine sanctuary; or
 - (b) in respect of any part of a marine national park, except with the consent of the Minister and subject to any terms and conditions that the Minister thinks fit to impose.
- (2) A pipeline licence must not be granted under the **Petroleum (Submerged Lands) Act 1982**—
 - (a) in respect of any part of a marine sanctuary; or

S. 40B
 inserted by
 No. 40/2002
 s. 12.

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- (b) in respect of any part of a marine national park, except with the consent of the Minister and subject to any terms and conditions that the Minister thinks fit to impose.
- (3) A permit, easement, licence or other authority must not be granted under the **Pipelines Act 1967**—
 - (a) in respect of any part of a marine sanctuary; or
 - (b) in respect of any part of a marine national park, except with the consent of the Minister and subject to any terms and conditions that the Minister thinks fit to impose.
- (4) The Minister must not consent under this section unless—
 - (a) the Minister has first obtained and considered the advice of the Minister administering the **Environment Effects Act 1978**; and
 - (b) the Minister is satisfied that there is no reasonable alternative outside the park.

41. Impounding of livestock

The **Impounding of Livestock Act 1994** applies to livestock trespassing—

- (a) in a park; or

No. 8083
ss 9, 10.

S. 41
amended by
Nos 9570
s. 10(a)(i)(ii)(b)
(as amended
by No. 9902
s. 2(1)(Sch.
item 187))(c),
10166
s. 18,
substituted by
No. 89/1994
s. 39(a),
amended by
No. 70/1998
s. 14(Sch.
item 38).

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S. 41(b)
amended by
No. 70/1998
s. 14(Sch.
item 38).

(b) on land managed by the Secretary under sections 19AA or 19E; or

(c) on land managed pursuant to an agreement under sections 19A, 19C or 19D; or

S. 41(d)
amended by
No. 70/1998
s. 14(Sch.
item 39).

(d) on land placed under the Secretary's control and management pursuant to section 18(1) of the **Crown Land (Reserves) Act 1978**—

as if the Secretary, authorised officer or person authorised in writing by the Secretary to impound livestock were an authorised officer within the meaning of that Act in relation to that park or land.

S. 41A
inserted by
No. 10073 s. 9.

41A. Land included in a park no longer reserved or affected by proclamation or Order

Notwithstanding anything to the contrary in any other Act or enactment, upon any land becoming, or becoming included in, a park pursuant to this Act (whether before or after the commencement of this section) all Orders and proclamations under the **Land Act 1958** or under the **Crown Land (Reserves) Act 1978** reserving or affecting the land shall be deemed thereupon to be or to have been (as the case may be) revoked insofar as they affect such land.

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Part V—Offences and Proceedings

s. 42

PART V—OFFENCES AND PROCEEDINGS

Division 1—General Offences

Pt 5 Div. 1
(Heading)
inserted by
No. 40/2002
s. 13.

42. Use of certain names prohibited

S. 42
amended by
Nos 10073
s. 10(a),
57/1995
s. 42(1).

A person shall not, with intent to imply that land owned or occupied by him is a national park, use a name for or in respect of that land that is likely to cause a person to believe on reasonable grounds that the land is a national park.

Penalty: 20 penalty units.

43. Trades and businesses not to be carried on in parks unless authorised¹⁴

S. 43
amended by
Nos 9114
s. 18, 10073
s. 10(b),
7/1988 s.
7(1)(a)(b),
57/1995
s. 42(2).

A person shall not, in a park, carry on a trade or business including a trade or business authorised, permitted, or licensed under any other Act or law unless he is carrying on the trade or business under and in accordance with a licence, permit, tenancy, agreement or any other authority granted made or given under this Act.

Penalty: 20 penalty units.

44. Guns etc. not to be carried in parks

S. 44
substituted by
No. 9247 s. 7,
amended by
No. 10073
s. 10(c).

- (1) Subject to sections 36, 37 and 37AA a person shall not in a park carry or have in his possession a gun or other weapon.

S. 44(1)
amended by
No. 57/1995
ss 42(1), 43.

Penalty: 20 penalty units.

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Part V—Offences and Proceedings

s. 45

S. 44(2)
amended by
Nos 10073
s. 10(d),
57/1995
s. 42(2).

S. 44(3)
inserted by
No. 40/2002
s. 14.

S. 44(4)
inserted by
No. 40/2002
s. 14.

S. 45(1)
amended by
Nos 10073
s. 10(e),
57/1995
s. 42(3).

- (2) Subject to sections 36 and 37 a person shall not in a park use a gun or other weapon.

Penalty: 20 penalty units.

- (3) Sub-section (1) does not apply to a person who, before 1 April 2004, carries a spear gun or has a spear gun in his or her possession in—
- (a) a park described in Part 2, 5 or 11 of Schedule Seven; or
 - (b) that part of the park described in Part 8 of Schedule Eight that is not comprised of the land described in item 6 of Schedule 2 to the **National Parks (Marine National Parks and Marine Sanctuaries) Act 2002**.
- (4) Sub-section (2) does not apply to a person who, before 1 April 2004, uses a spear gun in—
- (a) a park described in Part 2, 5 or 11 of Schedule Seven; or
 - (b) that part of the park described in Part 8 of Schedule Eight that is not comprised of the land described in item 6 of Schedule 2 to the **National Parks (Marine National Parks and Marine Sanctuaries) Act 2002**.

45. Persons not to obstruct etc. or to fail to comply with requests of authorised officers

- (1) A person shall not obstruct assault threaten or abuse or incite or encourage another person to obstruct assault threaten or abuse an authorized officer in the performance of his functions or exercise of his powers under this Act.

Penalty: 20 penalty units or imprisonment for 6 months.

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Act No. 8702/1975

Part V—Offences and Proceedings

s. 45

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| <p>(2) A person shall not, upon the request of an authorized officer under section 38, refuse or fail to state his true name and address.</p> <p>Penalty: 20 penalty units.</p> | <p>S. 45(2)
amended by
Nos 10073
s. 10(f),
57/1995
s. 42(1).</p> |
| <p>(3) A person shall not, upon the request of an authorized officer under section 38 refuse or fail with reasonable expedition to leave a park.</p> <p>Penalty: 20 penalty units.</p> | <p>S. 45(3)
amended by
Nos 10073
s. 10(g),
57/1995
s. 42(1).</p> |
| <p>(4) A person who is the holder of a licence, permit or other authority referred to in section 38 shall not refuse or fail to comply with a request of an authorized officer under that section for the production of the licence, permit or other authority.</p> <p>Penalty: 5 penalty units.</p> | <p>S. 45(4)
amended by
Nos 10073
s. 10(h),
38/1989
s. 35(d).</p> |
| <p>(5) A person is not guilty of an offence under subsection (4) by reason only that he fails to comply with a request for the production of a licence, permit or other authority within fourteen days after the request is made.</p> | |
| <p>(6) A person to whom a direction of an authorised officer is given under section 38(e) must comply with that direction.</p> <p>Penalty: 20 penalty units.</p> | <p>S. 45(6)
inserted by
No. 57/1995
s. 13.</p> |
| <p>(7) A person to whom a direction of an authorised officer under section 38(2) has been given must comply with that direction.</p> <p>Penalty: 20 penalty units.</p> | <p>S. 45(7)
inserted by
No. 40/2002
s. 15.</p> |
| <p>(8) A person is not guilty of an offence under subsection (7) if the authorised officer who gave the direction failed to produce his or her identification under section 38AA.</p> | <p>S. 45(8)
inserted by
No. 40/2002
s. 15.</p> |

National Parks Act 1975
Act No. 8702/1975

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Pt 5 Div. 2
 (Heading and
 ss 45A–45E)
 inserted by
 No. 40/2002
 s. 16.

S. 45A
 inserted by
 No. 40/2002
 s. 16.

Division 2—Offences in Marine National Parks and Marine Sanctuaries and Related Matters

45A. Fishing offences in marine national parks and marine sanctuaries

- (1) A person must not, in a marine national park or a marine sanctuary, take or attempt to take fish or fishing bait for sale.

Penalty: 200 penalty units or 12 months imprisonment or both, in the case of a natural person.

400 penalty units, in the case of a body corporate.

- (2) A person must not, in a marine national park or a marine sanctuary, take or attempt to take fish or fishing bait for purposes other than for sale, unless that person does so under and in accordance with a permit granted under section 21A.

Penalty: 60 penalty units or 6 months imprisonment or both.

- (3) A person must not, in a marine national park or a marine sanctuary—

- (a) use, form or create a habitat (whether natural or artificial or partly natural and partly artificial) for hatching, rearing, breeding, displaying or growing fish or fishing bait; or
 (b) hatch, breed, display or grow fish or fishing bait.

Penalty: 100 penalty units or 6 months imprisonment or both, in the case of a natural person.

200 penalty units, in the case of a body corporate.

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Act No. 8702/1975

Part V—Offences and Proceedings

s. 45A

- (4) A person must not, in a prescribed area of the park described in Part 2 of Schedule Seven, be in charge of a boat—

- (a) that is of a prescribed class of boats; or
- (b) that is carrying equipment that is of a prescribed class of equipment.

Penalty: 100 penalty units or 6 months imprisonment or both, in the case of a natural person.

200 penalty units, in the case of a body corporate.

- (5) A person must not, in a marine national park or a marine sanctuary, have in the person's possession or the person's charge a boat carrying a priority species.

Penalty: 100 penalty units or 6 months imprisonment or both, in the case of a natural person.

200 penalty units, in the case of a body corporate.

- (6) It is a defence in any proceedings for an offence against sub-section (5) if the person charged with the offence proves that the boat was travelling by the shortest practicable route from a point outside the park to another point outside the park.

- (7) A licence, permit or other authority (however described) issued under the **Fisheries Act 1995** does not authorise the holder to act in a manner that is prohibited by this section.

- (8) An Order in Council, order, notice, direction or plan (however described) under the **Fisheries Act 1995** does not authorise any person to act in a manner that is prohibited by this section.

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- (9) Sub-sections (1), (2) and (5) do not apply to the parks described in Parts 2, 4, 5 and 11 of Schedule Seven and the unregulated land in the park described in Part 8 of Schedule Eight until 1 April 2004.
- (10) Sub-section (4) does not apply to the park described in Part 2 of Schedule Seven until 1 April 2004.
- (11) Section 43 does not apply to prohibit the carrying on of a trade or business in a park described in Part 2, 4, 5 or 11 of Schedule Seven or in the unregulated land in the park described in Part 8 of Schedule Eight, that is a trade or business authorised by a licence or permit issued under the **Fisheries Act 1995**, until 1 April 2004.
- (12) In this section, "**unregulated land**", in relation to the park described in Part 8 of Schedule Eight, means that part of the land in the park that is not comprised of the land that is 200 metres seawards from high water mark in the area described in item 6 of Schedule 2 to the **National Parks (Marine National Parks and Marine Sanctuaries) Act 2002**.

45B. Approval to remain in Point Hicks Marine National Park

- (1) Section 45A(5) does not apply to a person—
 - (a) who is in the park described in Part 9 of Schedule Seven; and
 - (b) who has in his or her possession or charge a boat carrying priority species—
 if that person has the approval of the Minister to do so.
- (2) On application, the Minister may give approval under sub-section (1) to the applicant.

S. 45B
 inserted by
 No. 40/2002
 s. 16.

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Part V—Offences and Proceedings

s. 45C

- (3) An approval under sub-section (1) is subject to the prescribed conditions.
- (4) The holder of an approval under sub-section (1) must comply with the conditions of the approval.

Penalty: 60 penalty units.

45C. Proceedings and enforcement under this Division

Divisions 1 and 3 of Part 7 of the **Fisheries Act 1995** apply to an offence under this Division as if the offence were an offence under the **Fisheries Act 1995**.

S. 45C
 inserted by
 No. 40/2002
 s. 16.

45D. Liability for offences in relation to employees

- (1) If an employee of a licence holder engages in conduct on behalf of the licence holder within the scope of the employee's actual or apparent authority, the licence holder is deemed, for the purposes of a prosecution for an offence against this Division, also to have engaged in the conduct, unless the licence holder establishes that the licence holder took reasonable precautions and exercised due diligence to avoid the conduct.
- (2) If a person in charge of a boat is party to a contract or arrangement with a licence holder and the person in charge of the boat engages in conduct on behalf of the licence holder within the scope of the person's actual or apparent authority under the contract or arrangement, the licence holder is deemed, for the purposes of a prosecution for an offence against this Division, also to have engaged in the conduct, unless the licence holder establishes that the licence holder took reasonable precautions and exercised due diligence to avoid the conduct.

S. 45D
 inserted by
 No. 40/2002
 s. 16.

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s. 45E

- (3) In this section, "**licence holder**" means a person who is the holder of a fishery licence within the meaning of paragraph (a), (c), (e) or (f) of the definition of "fishery licence" in section 4(1) of the **Fisheries Act 1995**.

45E. Time for bringing proceedings

Despite anything to the contrary in any Act, proceedings for an offence against section 45A(1) may be commenced within the period of 3 years after the date on which the offence is alleged to have been committed.

Division 3—Provisions relating to proceedings and other matters

46. Proceedings

- (1) Proceedings for an offence against this Act or the regulations may only be brought by the Secretary.
- (2) An authorised officer may appear on behalf of the Secretary in proceedings for an offence against this Act or the regulations.

47. Evidence

- (1) In proceedings for an offence against this Act or the regulations or any other Act a certificate purporting to be signed by the Secretary certifying—
 - (a) that particular land is in a park; or

S. 45E
 inserted by
 No. 40/2002
 s. 16.

Pt 5 Div. 3
 (Heading)
 inserted by
 No. 40/2002
 s. 16.

No. 8083 s. 19.

S. 46
 amended by
 No. 57/1995
 s. 14,
 substituted by
 No. 70/1998
 s. 9.

S. 47
 amended by
 Nos 10073
 s. 11, 7/1997
 s. 12(1).

S. 47(1)
 amended by
 No. 70/1998
 s. 14(Sch.
 item 40).

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Part V—Offences and Proceedings

s. 47A

- (b) as to the granting or cancellation of, or matters contained in a lease, licence, permit, tenancy or other instrument given under this Act—

shall be prima facie evidence of the matters so certified.

- (2) In proceedings for an offence against this Act or the regulations, a statement in writing purporting to be signed by the Secretary to the effect that—

S. 47(2)
inserted by
No. 7/1997
s. 12(2),
amended by
No. 70/1998
s. 14(Sch.
item 40).

- (a) an area has or has not been set aside by the Secretary under this Act or the regulations;
 or

S. 47(2)(a)
amended by
No. 70/1998
s. 14(Sch.
item 40).

- (b) a determination has or has not been made by the Secretary under this Act or the regulations—

S. 47(2)(b)
amended by
No. 70/1998
s. 14(Sch.
item 40).

is evidence, and, in the absence of evidence to the contrary, is proof of the facts stated in it.

47A. Compensation for damage to parks

S. 47A
inserted by
No. 9247 s. 8.

Where any person is convicted of an offence against this Act or the regulations under this Act, he may in addition to any penalty or imprisonment imposed be ordered by the court to pay compensation for damage to any rock or other natural feature of the park or to any building structure facility or thing in the park caused by the commission of the offence.

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s. 47B

S. 47B
inserted by
No. 10073
s. 12,
amended by
No. 57/1995
s. 42(4).

S. 47C
inserted by
No. 10073
s. 12.

S. 47C(1)
amended by
No. 70/1998
s. 14(Sch.
item 41).

S. 47D
inserted by
No. 37/1989
s. 9.

47B. General penalty provision

A person who commits an offence against this Act for which no penalty is expressly imposed shall be liable to a penalty of not more than 20 penalty units.

47C. Expiation of prescribed offence by payment of fee

- (1) If it is reported to the Secretary that a person is alleged to have committed an offence to which this section applies, the Secretary may, if he sees fit, give written notice to the person that such a report has been made and that upon payment to the Minister of the fee stated in the notice (which fee shall not be more than twenty dollars) the person may expiate the alleged offence.
- (2) Where a person receives a notice under subsection (1) and pays to the Minister the fee stated in the notice, no proceeding may be brought in any court for the prosecution of the person for the alleged offence stated in the notice or for the recovery of a penalty in respect of that offence.
- (3) This section applies to any offence against this Act or the regulations which is prescribed by the regulations to be an offence to which this section applies.

47D. Management plan to be tabled

- (1) The Minister must cause a copy of a management plan for the park described in Part 37 of Schedule Two to be laid before each House of the Parliament before the expiration of the seventh sitting day of that House after the plan is received by the Minister.
- (2) A management plan may be disallowed by resolution of both Houses of the Parliament.

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Part V—Offences and Proceedings

s. 47D

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- (3) Notice of a resolution to disallow a management plan may be given in a House of the Parliament on or before the eighteenth sitting day of that House after the copy of the plan is laid before that House.
 - (4) A resolution to disallow a management plan must be passed on or before the twelfth sitting day of that House after notice of the resolution is given.
 - (5) If a House of the Parliament is prorogued or dissolved, the calculation of sitting days shall be determined as if there had been no prorogation or dissolution.
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Part VI—Regulations and Other Matters

s. 48

Pt 6 (Heading)
amended by
No. 40/2002
s. 17.

PART VI—REGULATIONS AND OTHER MATTERS

48. Regulations

- (1) The Governor in Council may make regulations for or with respect to—
- (a) preserving and protecting national parks, wilderness parks, State parks, marine national parks and marine sanctuaries or any matter or thing in any such park or a feature of any such park;
 - (b) preserving and protecting indigenous flora and fauna in parks described in Schedule Three and features of scenic or scientific interest in such parks;
 - (c) prescribing conditions to be observed in the carrying on in parks described in Schedule Three of agricultural, horticultural or other agrarian projects or scientific studies or projects;
 - (d) regulating the proceedings of the National Parks Advisory Council and prescribing travelling and other allowances to be paid to members of the Council other than the Director;
 - (e) regulating the proceedings of Advisory Committees and prescribing travelling allowances to be paid to members of committees;
 - (f) the control and management of parks in accordance with section 17, 17A, 17D or 18;

S. 48(1)(a)
amended by
No. 38/1989
ss 15(1)(a),
18(3)(o),
substituted by
No. 40/2002
s. 18(a).

S. 48(1)(f)
amended by
Nos 38/1989
s. 15(1)(b),
40/2002
s. 18(b).

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- (g) protecting from damage or destruction buildings, structures, other permanent works, facilities and amenities in parks;
- (h) regulating the entry into parks of persons and regulating or prohibiting the entry into parks of vehicles and vessels and the landing in parks of helicopters and other aircraft and prescribing the periods during which persons, vehicles, vessels, helicopters or other aircraft may remain in parks;
- (ha) prohibiting or restricting the entry of persons into any specified part of a park;
- (i) prescribing the places in parks in which vehicles may be parked or left standing and the periods during which they may be parked or left standing in the places so prescribed;
- (j) prescribing tolls, fees and charges for admission of persons vehicles and animals to parks and fees for parking vehicles in parks whether as annual fees or in respect of any other shorter period;
- (k) prescribing rules for the collection of prescribed tolls fees and charges;
- (l) regulating and controlling the use by the public of parks and prescribing conditions to be observed by persons using parks;
- (m) prescribing measures to be taken for the safety of persons using parks;
- (n) regulating bathing or prohibiting or regulating spear-fishing or the use of surf boards skiffle boards or other appliances, or the use of surf skis water skis or under-water breathing equipment in such waters as are specified in the regulations and are adjacent to and within 300 metres of a boundary of a

S. 48(1)(ha)
 inserted by
 No. 57/1995
 s. 15.

S. 48(1)(n)
 amended by
 No. 52/1988
 s. 161(Sch. 6
 item 8.1) (as
 amended by
 No. 20/1993
 s. 27(1)(b)).

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Part VI—Regulations and Other Matters

park not being waters under the control of a Port Authority within the meaning of the **Marine Act 1988**;

- (o) prescribing rules prohibiting or restricting the bringing into or allowing the entry into parks of an animal included in a specified class of animals or imposing conditions subject to compliance with which such an animal is permitted to be brought into, allowed to enter or to remain in parks and where, in respect of a park, rules are in force prohibiting the bringing into or allowing the entry into the park of specified animals, prescribing rules permitting an authorized officer where he is satisfied on reasonable grounds that an animal has been brought into or allowed to enter that park in contravention of those first-mentioned rules and that the animal is at large in the park without incurring any liability to shoot or otherwise destroy the animal speedily and without causing it unnecessary suffering or to seize the animal and deliver it to a member of council staff of the municipal council within whose municipal district the park is situated or other appropriate person or body or persons;
- (p) for the purposes of section 45A(4), prescribing—
 - (i) areas of the park described in Part 2 of Schedule Seven; and
 - (ii) classes of boats; and
 - (iii) classes of equipment;

S. 48(1)(o)
 amended by
 Nos 10166
 s. 19, 12/1989
 s. 4(1)(Sch. 2
 item 85.2).

S. 48(1)(p)
 repealed by
 No. 89/1994
 s. 39(b),
 new s. 48(1)(p)
 inserted by
 No. 40/2002
 s. 18(c).

National Parks Act 1975
Act No. 8702/1975

Part VI—Regulations and Other Matters

s. 48

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| <p>(q) prescribing conditions for approvals under section 45B;</p> | <p>S. 48(1)(q) repealed by No. 89/1994 s. 39(b), new s. 48(1)(q) inserted by No. 40/2002 s. 18(c).</p> |
| <p>(r) prescribing penalties not exceeding 20 penalty units for breaches of the regulations; and</p> | <p>S. 48(1)(r) amended by Nos 10073 s. 10(i), 57/1995 s. 42(5).</p> |
| <p>(s) generally prescribing any matters or things authorized or required to be prescribed under this Act.</p> | |
| <p>(2) The regulations—</p> | <p>S. 48(2) substituted by No. 2/1991 s. 4.</p> |
| <p>(a) may be of general or limited application; and</p> | |
| <p>(b) may differ according to differences in time, place or circumstances; and</p> | |
| <p>(c) may confer a discretionary authority or impose a duty on a specified person or body or a specified class of persons or bodies; and</p> | <p>S. 48(2)(c) substituted by No. 7/1997 s. 13(1).</p> |
| <p>(d) if the regulation is in respect of a toll, fee or charge, may provide for discounts, deductions, concessions or exemptions from the toll, fee or charge.</p> | |
| <p>(3) Despite sub-section (2)(c), the regulations may not empower any specified person or body or specified class of persons or bodies to increase any toll, fee or charge or to introduce any new toll, fee or charge.</p> | <p>S. 48(3) substituted by No. 2/1991 s. 4, amended by No. 7/1997 s. 13(2).</p> |
| <p>(4) A regulation may be made under this Act in respect of a part of a road that—</p> | |
| <p>(a) is bounded on each side by a park; and</p> | |

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Part VI—Regulations and Other Matters

s. 48A

S. 48(4)(b)
amended by
Nos 9921
s. 255, 44/1989
s. 41(Sch. 2
item 29.5).

S. 48(5)
inserted by
No. 38/1989
s. 15(2).

S. 48(6)
inserted by
No. 38/1989
s. 15(2).

S. 48A
inserted by
No. 40/2002
s. 19.

S. 48A(2)
substituted by
No. 97/2003
s. 8.

S. 48A(2A)
inserted by
No. 97/2003
s. 8.

(b) has not been declared or proclaimed under the **Transport Act 1983** or having been so declared or proclaimed has by notice published in the Government Gazette been declared by the Roads Corporation to be a part of a road to which a regulation under this section may apply—

as if that part of the road formed part of the park.

- (5) Regulations made under this Act may be disallowed in whole or in part, by resolution of either House of Parliament in accordance with the requirements of section 6(2) of the **Subordinate Legislation Act 1962**.
- (6) Disallowance of a regulation under sub-section (5) must be taken to be disallowance by Parliament for the purposes of the **Subordinate Legislation Act 1962**.

48A. Native title not affected by amendments

- (1) The amendments made to this Act by the **National Parks (Marine National Parks and Marine Sanctuaries) Act 2002** are not intended to affect native title rights and interests.
- (2) The amendments made to this Act by the **Forests and National Parks Acts (Amendment) Act 2003** are not intended to affect native title rights and interests.
- (2A) Sub-sections (1) and (2) do not apply in any case where native title rights and interests are—
 - (a) affected; or
 - (b) authorised to be affected—

by or under the Native Title Act 1993 of the Commonwealth.

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Part VI—Regulations and Other Matters

s. 48A

(3) In this section—

"affect" has the same meaning as in the Native Title Act 1993 of the Commonwealth;

"native title rights and interests" has the same meaning as in the Native Title Act 1993 of the Commonwealth.

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Part VII—Transitional Provisions

s. 49

Pt 7
(Heading and
ss 49–55)
amended by
No. 9863 s. 2,
repealed by
No. 10073
s. 13(1),
new Pt 7
(Heading and
ss 49, 50)
inserted by
No. 70/1998
s. 13.

New s. 49
inserted by
No. 70/1998
s. 13.

New s. 50
inserted by
No. 70/1998
s. 13.

PART VII—TRANSITIONAL PROVISIONS

49. Duties etc. of Director to become duties of Secretary

- (1) On and from the commencement of this section all acts, matters or things of a continuing nature begun by, against or in relation to the Director may be continued or completed by, against or in relation to the Secretary.
- (2) If, immediately before the commencement of this section, proceedings to which the Director was a party were pending or existing in any court or tribunal, then, on and after that commencement, the Secretary is substituted for the Director as a party to the proceedings and has the same rights and obligations in the proceedings as the Director had.
- (3) On and from the commencement of this section, a reference to the Director in—
 - (a) an Act other than this Act; or
 - (b) a subordinate instrument made under this or any other Act—is deemed to be a reference to the Secretary.

50. Cessation of rights

- (1) On the commencement of section 12(2) of the **National Parks (Amendment) Act 1998**, the lands delineated and coloured yellow on the plan

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Part VII—Transitional Provisions

s. 50A

numbered N.P. 92A referred to in Part 36 of Schedule Two as in force before that commencement cease to be roads or parts of roads or road reserves and all rights, easements and privileges existing or claimed, either by the public or any other body and incidental to any express or implied grant, or past dedication or supposed dedication or any past user or fiction of law cease and determine.

- (2) On the commencement of section 10 of the **National Parks (Amendment) Act 1998**, the lands delineated and coloured yellow on the plan numbered N.P. 84/1 referred to in Part 40 of Schedule Two cease to be roads or parts of roads or road reserves and all rights, easements and privileges existing or claimed, either by the public or any other body and incidental to any express or implied grant, or past dedication or supposed dedication or any past user or fiction of law cease and determine.
- (3) On the commencement of section 12(2) of the **National Parks (Amendment) Act 1998**, the lands delineated by a green border on the plan numbered N.P. 92A referred to in Part 36 of Schedule Two cease to be reserved forest.

50A. National Parks (Box-Ironbark and Other Parks) Act 2002—Cessation of rights

S. 50A
 inserted by
 No. 50/2002
 s. 11.

- (1) On the commencement of section 12 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**—
 - (a) the lands delineated and coloured green on the plans lodged in the Central Plan Office and numbered N.P. 42/4 and N.P. 42B, N.P. 84/2, N.P. 105A and N.P. 105B, N.P. 106 and N.P. 107 cease to be reserved forest; and

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- (b) the lands delineated and coloured brown on the plan lodged in the Central Plan Office and numbered N.P. 106 cease to be reserved forest.
- (2) On the commencement of section 12 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, the lands delineated and coloured yellow on the plans lodged in the Central Plan Office and numbered N.P. 7/3, N.P. 42/4 and N.P. 42A, N.P. 84/2, N.P. 105A and N.P. 105B, N.P. 106 and N.P. 107 cease to be roads or parts of roads or road reserves and all rights, easements and privileges existing or claimed either by the public or any other body and incidental to any express or implied grant or past dedication or supposed dedication or any past user or fiction of law cease and determine.
- (3) On the commencement of section 13 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**—
 - (a) the lands delineated and coloured green on the plans lodged in the Central Plan Office and numbered N.P. 64/2, N.P. 96/3 and N.P. 26/6 cease to be reserved forest; and
 - (b) the lands delineated and coloured brown on the plan lodged in the Central Plan Office and numbered N.P. 64/2 cease to be reserved forest.
- (4) On the commencement of section 13 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, the lands delineated and coloured yellow on the plans lodged in the Central Plan Office and numbered N.P. 64/2, N.P. 96/3, N.P. 26/6 and N.P. 108 cease to be roads or parts of roads or road reserves and all rights, easements and privileges existing or claimed either by the public or any other body and incidental to any

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Part VII—Transitional Provisions

s. 50B

express or implied grant or past dedication or supposed dedication or any past user or fiction of law cease and determine.

50B. National Parks (Box-Ironbark and Other Parks) Act 2002—Revocation of interests in land—Greater Bendigo National Park

S. 50B
 inserted by
 No. 50/2002
 s. 11.

On the commencement of section 12 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, the land delineated and coloured grey on the plan lodged in the Central Plan Office and numbered N.P. 105B is deemed to be freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests over that land that were in existence immediately before that commencement.

50C. National Parks (Box-Ironbark and Other Parks) Act 2002—Land to become reserved forest—Land adjoining Paddys Ranges State Park

S. 50C
 inserted by
 No. 50/2002
 s. 11.

On the commencement of section 13 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, the land delineated and coloured orange on the plan lodged in the Central Plan Office and numbered N.P. 96/3—

- (a) ceases to be roads or parts of roads or road reserves and all rights, easements and privileges existing or claimed, either by the public or any other body and incidental to any express or implied grant, or past dedication or supposed dedication or any past user or fiction of law cease and determine; and
- (b) the land is deemed to be reserved forest under section 42 of the **Forests Act 1958**.

National Parks Act 1975
Act No. 8702/1975

Part VII—Transitional Provisions

s. 50D

S. 50D
 inserted by
 No. 50/2002
 s. 11.

50D. National Parks (Box-Ironbark and Other Parks) Act 2002—Continuation of licences to cut and take away forest produce for the purpose of eucalyptus oil harvesting under the Forests Act 1958—Greater Bendigo National Park

- (1) On the commencement of section 12 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, any licence in force immediately before the commencement of that section that was granted under section 52 of the **Forests Act 1958** to cut and take away forest produce for the purpose of eucalyptus oil harvesting on any part of the land shown by cross-hatching on the plan lodged in the Central Plan Office and numbered N.P. 105A, subject to the provisions of the **Forests Act 1958**, continues in force as a licence granted under that Act until the date of its expiry.
- (2) Despite anything to the contrary in this Act, section 52 of the **Forests Act 1958** continues to apply to enable licences to be granted under that section to cut and take away forest produce for the purposes of eucalyptus oil harvesting to a person who is the holder of a licence to which sub-section (1) applies in respect of any part of the land shown by cross-hatching on the plan referred to in sub-section (1). Any licence so granted may be dealt with under that section.
- (3) This section expires on 26 February 2012.

S. 50E
 inserted by
 No. 50/2002
 s. 11.

50E. National Parks (Box-Ironbark and Other Parks) Act 2002—Continuation of licences to cut and take away forest produce under the Forests Act 1958—Warby Range State Park

On the commencement of section 13 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, any licence in force immediately before the commencement of that

National Parks Act 1975
Act No. 8702/1975

Part VII—Transitional Provisions

s. 50F

section that was granted under section 52 of the **Forests Act 1958** to cut and take away forest produce on any part of the land shown by cross-hatching on the plan lodged in the Central Plan Office and numbered N.P. 26/6, subject to the provisions of the **Forests Act 1958**, continues in force as a licence granted under that Act until the date of its expiry.

50F. National Parks (Box-Ironbark and Other Parks) Act 2002—Granting of licences to cut and take away forest produce for firewood under the Forests Act 1958—Certain national parks, State parks and Crown land reserves

S. 50F
 inserted by
 No. 50/2002
 s. 11.

- (1) Despite anything to the contrary in this Act, section 52 of the **Forests Act 1958** continues to apply to enable a licence to be granted under that section to cut and take away for firewood, forest produce that has been cut in accordance with a licence granted under that section before 13 July 2002, in respect of any part of the land described in Part 41, 42 or 43 of Schedule Two, Part 15 of Schedule Two B or Part 8 of Schedule Four. Any licence so granted may be dealt with under that section.
- (2) Sub-section (1) expires on 31 December 2005.
- (3) Despite anything to the contrary in this Act, section 52 of the **Forests Act 1958** continues to apply to enable a licence to be granted under that section to cut and take away for firewood, forest produce that has been cut in accordance with a licence to which section 50E applies, in respect of any part of the land shown by cross-hatching on the plan lodged in the Central Plan Office and numbered N.P. 26/6. Any licence so granted may be dealt with under that section.
- (4) Sub-section (3) expires on 30 June 2003.

National Parks Act 1975
Act No. 8702/1975

Part VII—Transitional Provisions

s. 50G

S. 50G
 inserted by
 No. 50/2002
 s. 11.

50G. National Parks (Box-Ironbark and Other Parks) Act 2002—Continuation of licences to cut and take away forest produce under the Forests Act 1958—Heathcote-Graytown National Park

On the commencement of section 12 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, any licence in force immediately before the commencement of that section that was granted under section 52 of the **Forests Act 1958** to cut and take away forest produce on any part of the land described in Part 42 of Schedule Two, subject to the provisions of the **Forests Act 1958**, continues in force as a licence granted under that Act until the date of its expiry.

S. 50H
 inserted by
 No. 50/2002
 s. 11.

50H. National Parks (Box-Ironbark and Other Parks) Act 2002—Continuation of apiary licences under the Land Act 1958 and the Forests Act 1958

- (1) Despite the commencement of sections 12, 13 and 15 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, a bee farm licence or apiary occupation right—
 - (a) granted to a person under section 141, 147 or 149 of the **Land Act 1958** in respect of any part of the land described in Part 30, 41, 42 or 43 of Schedule Two, Part 15 or 37 of Schedule Two B or Part 8 of Schedule Four; and
 - (b) in force immediately before the commencement of those sections—
 subject to the provisions of the **Land Act 1958**, continues in force as a licence granted under that Act until the date of its expiry.

National Parks Act 1975
Act No. 8702/1975

Part VII—Transitional Provisions

s. 50I

- (2) Despite the commencement of sections 12, 13 and 15 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, a licence to take honey—

- (a) granted to a person under section 52 of the **Forests Act 1958** in respect of any part of the land described in Part 30, 41, 42 or 43 of Schedule Two, Part 15, 26 or 30 of Schedule Two B or Part 8 of Schedule Four; and
- (b) in force immediately before the commencement of those sections—

subject to the provisions of the **Forests Act 1958**, continues in force as a licence granted under that Act until the date of its expiry.

50I. National Parks (Box-Ironbark and Other Parks) Act 2002—Powers in relation to certain grazing licences under the Land Act 1958 and the Forests Act 1958

S. 50I
 inserted by
 No. 50/2002
 s. 11.

- (1) Despite the commencement of sections 12, 13 and 15 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, a grazing licence for a term of one year—

- (a) granted to a person under section 130 of the **Land Act 1958** in respect of any part of the land described in Part 41 or 42 of Schedule Two, Part 37 of Schedule Two B or Part 8 of Schedule Four; and
- (b) in force immediately before that commencement—

subject to the provisions of the **Land Act 1958**, continues in force as a licence granted under that Act until the date of its expiry.

National Parks Act 1975
Act No. 8702/1975

Part VII—Transitional Provisions

s. 50I

- (2) Despite anything to the contrary in this Act, section 130 of the **Land Act 1958** continues to apply to enable grazing licences to be granted under that section to a person who is the holder of a licence to which sub-section (1) applies in respect of land described in the licence. Any licence so granted may be dealt with under that section.
- (3) Sub-sections (1) and (2) expire 3 years after the commencement of sections 12, 13 and 15.
- (4) Despite the commencement of sections 12, 13 and 15 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, a grazing licence for a term of five years—
 - (a) granted to a person under section 130 of the **Land Act 1958** over any part of the land described in Part 30 of Schedule Two, Part 15 or 37 of Schedule Two B or Part 8 of Schedule Four; and
 - (b) in force immediately before that commencement—
 subject to the provisions of the **Land Act 1958**, continues in force as a licence granted under that Act until 3 years after the commencement of sections 12, 13 and 15 of the **National Parks (Box-Ironbark and Other Parks) Act 2002** or the expiry of the licence (whichever is the later).
- (5) Despite the commencement of sections 12, 13 and 15 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, a grazing licence—
 - (a) granted to a person under section 52 of the **Forests Act 1958** over any part of the land described in Part 30, 41 or 42 of Schedule Two, Part 15 of Schedule Two B or Part 8 of Schedule Four; and

National Parks Act 1975
Act No. 8702/1975

Part VII—Transitional Provisions

s. 50J

- (b) in force immediately before the commencement of those sections—

subject to the provisions of the **Forests Act 1958**, continues in force as a licence granted under that Act until the date of its expiry.

- (6) Despite anything to the contrary in this Act, section 52 of the **Forests Act 1958** continues to apply to enable grazing licences to be granted under that section to a person who is the holder of a licence to which sub-section (5) applies in respect of land described in the licence. Any licence so granted may be dealt with under that section.
- (7) Sub-sections (5) and (6) expire 3 years after the commencement of sections 12, 13 and 15.

50J. National Parks (Box-Ironbark and Other Parks) Act 2002—Continuation of grazing licences under the Land Act 1958—Mitchell River National Park

S. 50J
 inserted by
 No. 50/2002
 s. 11.

Despite the commencement of section 12 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, a grazing licence—

- (a) granted to a person under section 130 of the **Land Act 1958** in respect of any part of the land shown hatched on the plan lodged in the Central Plan Office and numbered N.P. 7/3; and
- (b) in force immediately before that commencement—

subject to the provisions of the **Land Act 1958**, continues in force as a licence granted under that Act until 30 June 2003.

National Parks Act 1975
Act No. 8702/1975

Part VII—Transitional Provisions

s. 50K

S. 50K
 inserted by
 No. 50/2002
 s. 11.

50K. Land to become part of park on surrender to the Crown

If the land shown delineated and coloured blue on the plan numbered N.P. 105B is not surrendered to the Crown before the commencement of section 12 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, that land is deemed to be excluded from the park described in Part 41 of Schedule Two until the title to the land is surrendered to the Crown.

S. 50L
 inserted by
 No. 50/2002
 s. 11.

50L. National Parks (Box-Ironbark and Other Parks) Act 2002—Transitional provision—Existing authorities under the Mineral Resources Development Act 1990

- (1) For the purposes of the renewal of an exploration licence over any relevant Greater Bendigo land that is in force immediately before the commencement of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, the licence is to be taken to be, on and from that commencement, an exploration licence to which section 40(1C) applies.
- (2) In this section "**relevant Greater Bendigo land**" means that part of the park described in Part 41 of Schedule Two that is shown by hatching or cross-hatching on the plans lodged in the Central Plan Office and numbered N.P. 105A and N.P. 105B.

S. 50M
 inserted by
 No. 50/2002
 s. 11.

50M. Registrar of Titles to make necessary amendments to records

The Registrar of Titles, on being requested to do so and on submission of any relevant certificate of title or other document, must make any amendments to the Register under the provisions of the **Transfer of Land Act 1958** that are necessary because of the operation of any provision of the **National Parks (Box-Ironbark and Other Parks) Act 2002**.

National Parks Act 1975
Act No. 8702/1975

Part VII—Transitional Provisions

s. 50N

50N. Native Title not affected by amendments

S. 50N
inserted by
No. 50/2002
s. 11.

- (1) The amendments made to this Act by the **National Parks (Box-Ironbark and Other Parks) Act 2002** are not intended to affect native title rights and interests.
- (2) Sub-section (1) does not apply in any case where native title rights and interests are affected or are authorised to be affected by or under the Native Title Act 1993 of the Commonwealth.
- (3) In this section—
"affect" has the same meaning as in the Native Title Act 1993 of the Commonwealth;
"native title rights and interests" has the same meaning as in the Native Title Act 1993 of the Commonwealth.

National Parks Act 1975
Act No. 8702/1975

Part VIII—Creation of Crown Land Reserves

s. 51

Pt 8
 (Heading and
 ss 51, 52)
 inserted by
 No. 70/1998
 s. 13.

New s. 51
 inserted by
 No. 70/1998
 s. 13.

New s. 52
 inserted by
 No. 70/1998
 s. 13.

PART VIII—CREATION OF CROWN LAND RESERVES

51. Goolengook Flora and Fauna Reserve

On the commencement of section 13 of the
National Parks (Amendment) Act 1998—

- (a) any part of the land shown bordered in red on the plan lodged in the Central Plan Office and numbered LEGL./98-50 that is reserved forest, ceases to be reserved forest and is deemed to be unalienated land of the Crown, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests; and
- (b) the land shown bordered in red on that plan is deemed to be permanently reserved under the **Crown Land (Reserves) Act 1978** for public purposes being, in particular, the purposes set out in section 4(1)(l)(m)(n) and (o) of that Act.

52. Martins Creek Flora and Fauna Reserve

On the commencement of section 13 of the
National Parks (Amendment) Act 1998—

- (a) any part of the land shown bordered in red on the plan lodged in the Central Plan Office and numbered LEGL./98-51 that is reserved forest, ceases to be reserved forest; and
- (b) the permanent reservation of the part of that land along the Brodribb River (Government Gazette 1970 page 3470) is revoked; and

National Parks Act 1975
Act No. 8702/1975

Part VIII—Creation of Crown Land Reserves

s. 52

-
- (c) the land shown coloured yellow on the plan referred to in paragraph (a) ceases to be a road or part of a road or a road reserve and all rights, easements and privileges existing or claimed either by the public or any other body and incidental to any express or implied grant, or past dedication or supposed dedication or any past user or fiction of law cease and determine; and
- (d) the land shown bordered in red in the plan referred to in paragraph (a), except the Bonang Road as shown excluded on the plan, is deemed to be permanently reserved under the **Crown Land (Reserves) Act 1978** for public purposes being, in particular, the purposes set out in section 4(1)(l)(m)(n) and (o) of that Act.
-

National Parks Act 1975
Act No. 8702/1975

Part IX—Further Transitional Provisions

s. 53

Pt 9
 (Heading and
 ss 53–58)
 inserted by
 No. 50/2000
 s. 8.

S. 53
 inserted by
 No. 50/2000
 s. 8.

S. 54
 inserted by
 No. 50/2000
 s. 8.

S. 55
 inserted by
 No. 50/2000
 s. 8.

PART IX—FURTHER TRANSITIONAL PROVISIONS

53. National Parks (Amendment) Act 2000—Cessation of rights

On the commencement of section 9(2) of the **National Parks (Amendment) Act 2000**, the lands delineated by a green border on the plan numbered N.P. 70/1h referred to in Part 37 of Schedule Two cease to be reserved forest.

54. National Parks (Amendment) Act 2000—Registrar of Titles to make necessary amendments

The Registrar of Titles, on being requested to do so and on submission of any relevant folio of the register or other document, must make any amendments in the Register under the **Transfer of Land Act 1958** that are necessary because of the operation of any provision of the **National Parks (Amendment) Act 2000**.

55. National Parks (Amendment) Act 2000—Continuation of alpine and bush grazing licences

- (1) On and from the commencement of section 9(2) of the **National Parks (Amendment) Act 2000** any licence over the hatched land, to which section 64 of the **Alpine Resorts (Management) Act 1997** applied immediately before that commencement, continues in force and may be dealt with as a licence issued under section 32AD(1) of this Act.
- (2) In this section "**hatched land**" means the land shown hatched on the plan lodged in the Central Plan Office and numbered N.P. 70/1i.

National Parks Act 1975
Act No. 8702/1975

Part IX—Further Transitional Provisions

s. 56

**56. National Parks (Amendment) Act 2000—
Continuation of leases**

S. 56
inserted by
No. 50/2000
s. 8.

Despite the commencement of section 9(2) of the
National Parks (Amendment) Act 2000—

- (a) the lease entitled "Tunnel under Falls Creek Alpine Resort" granted by the Minister for Conservation and Land Management to Infratil Australia Hydro Pty Ltd ACN 080 429 901, Kanina Willows Pty Ltd ACN 080 735 815 and Contact Hydro Australia Pty Ltd ACN 080 810 546 over Crown Allotment 10E, Parish of Darbalang, with a commencement date of 18 December 1997, in so far as it applies to land to which section 9(2) applies, continues in force as if it were a lease granted under this Act;
- (b) the lease entitled "Northern Foreshore of Part Rocky Valley Reservoir" granted by the Minister for Conservation and Land Management to Infratil Australia Hydro Pty Ltd ACN 080 429 901, Kanina Willows Pty Ltd ACN 080 735 815 and Contact Hydro Australia Pty Ltd ACN 080 810 546 granted over Crown Allotments 9H and 9J, Parish of Darbalang, with a commencement date of 18 December 1997, continues in force as if it were a lease granted under this Act.

**57. National Parks (Amendment) Act 2000—
Continuation of grazing licences under Land Act 1958**

S. 57
inserted by
No. 50/2000
s. 8.

- (1) On and from the commencement of section 9(2) of the **National Parks (Amendment) Act 2000**, any grazing licence granted under Division 8 of Part 1 of the **Land Act 1958** over the land delineated by a red border on the plan numbered N.P. 70/1h referred to in Part 37 of Schedule Two and existing immediately before that

S. 57(1)
amended by
No. 11/2002
s. 3(Sch. 1
item 47).

National Parks Act 1975
Act No. 8702/1975

Part IX—Further Transitional Provisions

commencement, continues in force and may continue to be dealt with as a licence under Division 8 of Part I of the **Land Act 1958**.

- (2) Despite anything to the contrary in this Act, Division 8 of Part I of the **Land Act 1958** continues to apply to permit a grazing licence to be granted to the holder of a grazing licence referred to in sub-section (1) in respect of the land covered by that licence, and any licence so granted may be dealt with as a grazing licence under Division 8 of Part 1 of that Act.

**58. National Parks (Amendment) Act 2000—
Continuation of grazing licences under Forests
Act 1958**

- (1) On and from the commencement of section 9(2) of the **National Parks (Amendment) Act 2000**, any grazing licence granted under section 52 of the **Forests Act 1958** over the land delineated by a green border on the plan numbered N.P. 70/1h referred to in Part 37 of Schedule Two and existing immediately before that commencement, continues in force and may continue to be dealt with as a licence under section 52 of the **Forests Act 1958**.
- (2) Despite anything to the contrary in this Act, section 52 of the **Forests Act 1958** continues to apply to permit a grazing licence to be granted to the holder of a licence referred to in sub-section (1) in respect of the land covered by that licence, and any licence so granted may be dealt with as a licence under section 52 of that Act.

National Parks Act 1975
Act No. 8702/1975

Part IX—Further Transitional Provisions

s. 59

59. National Parks (Marine National Parks and Marine Sanctuaries) Act 2002—Excision of land to become part of marine national parks and marine sanctuaries

S. 59
inserted by
No. 40/2002
s. 20.

- (1) On 16 November 2002, the land described in Column 2 of Table 1 ceases to be part of the park described in Column 1 of Table 1 opposite the description in Column 2.

TABLE 1

<i>Column 1</i>	<i>Column 2</i>
Schedule Two, Part 4	Any land that is part of the parks described in Part 10 of Schedule Seven and in Part 7 of Schedule Eight
Schedule Two, Part 15	Any land that is part of the park described in Part 6 of Schedule Seven
Schedule Two, Part 21	Any land that is part of the park described in Part 11 of Schedule Seven
Schedule Two, Part 23	Any land that is part of the parks described in Parts 4 and 12 of Schedule Seven
Schedule Two, Part 28	Any land that is part of the parks described in Parts 2 and 9 of Schedule Seven
Schedule Two, Part 31	Any land that is part of the park described in Part 11 of Schedule Seven
Schedule Three, Part 3	Any land that is part of the park described in Part 5 of Schedule Seven

- (2) On 16 November 2002, the land described in Column 2 of Table 2 ceases to be part of the reserve or park described in Column 1 of Table 2 opposite the description in Column 2.

National Parks Act 1975
Act No. 8702/1975

Part IX—Further Transitional Provisions

s. 59

TABLE 2

<i>Column 1</i>	<i>Column 2</i>
Schedule Four, Part 1	Any land that is part of the park described in Part 12 of Schedule Seven
Schedule Four, Part 2	Any land that is part of the park described in Part 12 of Schedule Seven
Schedule Four, Part 4	Any land that is part of the park described in Part 4 of Schedule Seven
Schedule Four, Part 7	Any land that is part of the park described in Part 1 of Schedule Seven.

National Parks Act 1975
Act No. 8702/1975

Sch. 1

SCHEDULES

SCHEDULE ONE

Section 2.

<i>Number of Act</i>	<i>Title of Act</i>	<i>Extent of Repeal</i>
8083	National Parks Act 1970	The whole
8210	National Parks (Amendment) Act 1971	The whole
8353	Railways (Amendment) Act 1972	Item in Schedule relating to National Parks Act 1970

National Parks Act 1975
Act No. 8702/1975

Sch. 2

Section 17

SCHEDULE TWO

NATIONAL PARKS

PART 1—ALFRED NATIONAL PARK¹⁵

Sch. 2 Pt 1
substituted by
No. 24/1988
s. 5(a),
amended by
No. 46/1998
s. 7(Sch. 1).

All those pieces or parcels of land containing 3050 ha, more or less, situate in the Parishes of Karlo and Kooragan, County of Croajingolong, being the land delineated and bordered red or green, or coloured yellow excepting from them the roads shown as excluded in a plan prepared by the Surveyor-General lodged in the Central Plan Office and numbered N.P. 90.

PART 2—BRISBANE RANGES NATIONAL PARK

Sch. 2 Pt 2
substituted by
Nos 9114
s. 3(1), 9247
s. 3(1), 9570
s. 3(1), 10166
s. 4(1),
amended by
Nos 57/1995
s. 29(2)(Sch. 3
Pt A(a)(i)(ii)),
46/1998
s. 7(Sch. 1).

All those pieces or parcels of land containing 7718 hectares, more or less, situate in the Parishes of Anakie, Beremboke, Bungeeltap, Durdidwarrah, Goorockburkghap and Moreep, County of Grant, being the land delineated and bordered red excepting therefrom the roads shown as excluded also excepting therefrom land bordered blue in a plan lodged in the Central Plan Office and numbered N.P. 1/6.

PART 3—TARRA-BULGA NATIONAL PARK¹⁶

Sch. 2 Pt 3
substituted by
Nos 9114
s. 3(1), 9570
s. 3(1),
44/1986
s. 4(1),
amended by
Nos 38/1989
s. 27(1),
2/1991
s. 5(1)(a)–(c),
46/1998
s. 7(Sch. 1).

All those pieces or parcels of land containing 1522 hectares, more or less, situate in the Parishes of Bulga and Devon, County of Buln Buln delineated and bordered red, excepting therefrom the roads shown as excluded in a plan lodged in the Central Plan Office and numbered N.P. 22/3 and also excepting from it the Tarra Valley Road.

National Parks Act 1975
Act No. 8702/1975

Sch. 2

PART 4—MORNINGTON PENINSULA NATIONAL PARK^{17, 18, 19}

All those pieces and parcels of land containing 2686 hectares more or less, situate in the Parishes of Fingal, Flinders, Nepean and Wannaeue, County of Mornington, being the land delineated and bordered red excepting the land bordered blue in plans lodged in the Central Plan Office numbered N.P. 20A/11 and N.P. 20B/12 and including the South Channel Fort being that land described in Title Volume 6665 Folio 1332905 and an area of Crown land and waters of Port Phillip Bay extending 100 metres seaward from mean high watermark. Also excepted is any land between high water mark and low water mark forming part of the park described in Part 10 of Schedule Seven and part of the park described in Part 7 of Schedule Eight.

Sch. 2 Pt 4
repealed by
No. 9247
s. 3(1), new
Sch. 2 Pt 4
inserted by
No. 7/1988
s. 4(1),
amended by
Nos 38/1989
s. 27(2)(a)–(c)
(3)(a)(b),
43/1990
s. 13(2)(a)–(c),
57/1995
s. 29(2)(Sch. 3
Pt A(b)(i)–(iv)),
46/1998
s. 7(Sch. 1),
40/2002
s. 21(1)(a)(b).

PART 5—CHURCHILL NATIONAL PARK

All those pieces or parcels of land containing 271 hectares, more or less, situate in the Parish of Narree Worran, County of Mornington, being the land delineated and coloured red in a plan prepared by the Surveyor-General lodged in the Central Plan Office and numbered N.P. 3/1.

Sch. 2 Pt 5
amended by
Nos 57/1995
s. 29(2)(Sch. 3
Pt A(c)(i)(ii)),
46/1998
s. 7(Sch. 1).

PART 6—DANDENONG RANGES NATIONAL PARK^{20, 21}

All those pieces or parcels of land containing 3215 hectares, more or less, situated in the Parishes of Narree Worran, Monbulk, Mooroolbark and Scoresby, Counties of Evelyn and Mornington being the land delineated and bordered black and, within that border, coloured grey or shown hatched in plans lodged in the Central Plan Office and numbered N.P. 86/2 and N.P. 86A.

Sch. 2 Pt 6
substituted by
Nos 9114
s. 3(1), 9570
s. 3(1), 10073
s. 4(1),
44/1986
s. 4(1), 8/1987
s. 4(1),
amended by
Nos 7/1988
s. 4(2), 7/1997
s. 16(1)(a)–(f),
46/1998
s. 7(Sch. 1).

National Parks Act 1975
Act No. 8702/1975

Sch. 2

Sch. 2 Pt 7
substituted by
Nos 9247
s. 3(1), 7/1997
s. 14(1),
amended by
No. 46/1998
s. 7(Sch. 1).

PART 7—LAKE EILDON NATIONAL PARK

All those pieces and parcels of land containing 27 750 hectares, more or less, situate in the Parishes of Banyarmbite, Darlingford, Eildon, Howqua West, Jamieson, Lodge Park, Thornton and Wappan, Counties of Anglesey and Wonangatta, being the land delineated and coloured pink excepting therefrom the roads shown as excluded in the plans lodged in the Central Plan Office and numbered N.P. 5/2 and N.P. 5A.

Despite the declaration of the land as a park, and subject to section 25B, timber harvesting of the pine plantation on allotment 7, Parish of Howqua West may be carried out.

Sch. 2 Pt 8
substituted by
Nos 9114
s. 3(1),
44/1986
s. 4(1),
amended by
Nos 46/1998
s. 7(Sch. 1),
50/2002
s. 12(1)(a)–(e).

PART 8—MITCHELL RIVER NATIONAL PARK²²

All those pieces or parcels of land containing 14 250 hectares, more or less, situate in the Parishes of Cobbannah, Glenaladale, Marlooh, Morekana, Nungatta, Wamba and Wuk Wuk Counties of Dargo, Tanjil and Wonnangatta, being the land delineated and coloured pink or coloured yellow in a plan lodged in the Central Plan Office and numbered N.P. 7/3.

Sch. 2 Pt 9
substituted by
No. 9247
s. 3(1),
amended by
No. 46/1998
s. 7(Sch. 1).

PART 9—HATTAH–KULKYNE NATIONAL PARK

All those pieces or parcels of land containing 480 square kilometres, more or less, situate in the Parishes of Brockie, Cantala, Colignan, Konardin, Kulkyne, Mournpoul and Yelwell, County of Karkarooc, being the land delineated and stippled grey in a plan prepared by the Surveyor-General lodged in the Central Plan Office and numbered N.P. 6/1.

Sch. 2 Pt 10
substituted by
Nos 9114
s. 3(1), 9247
s. 3(1), 9570
s. 3(1), 10073
s. 4(1),
44/1986
s. 4(1),
57/1995 s. 16,
amended by
No. 46/1998
s. 7(Sch. 1).

PART 10—KINGLAKE NATIONAL PARK²³

All those pieces or parcels of land containing 21 600 hectares, more or less, situate in the Parishes of Billian, Burgoyne, Clonbinane, Derril, Flowerdale, Kinglake, Linton, Queenstown, Tarrawarra North, Wallan Wallan and Woodbourne, Counties of Anglesey, Bourke, Dalhousie and Evelyn, being the land delineated and bordered red or bordered green excepting therefrom the roads shown as excluded also excepting therefrom land bordered blue in plans lodged in the Central Plan Office and numbered N.P. 8/6, N.P. 8A/2 and N.P. 8B.

National Parks Act 1975
Act No. 8702/1975

Sch. 2

PART 11—THE LAKES NATIONAL PARK

All those pieces or parcels of land containing 2390 hectares, more or less, situate in the Parish of Boole Poole, County of Tanjil, being the land delineated and bordered red in a plan lodged in the Central Plan Office and numbered N.P. 27/1.

Sch. 2 Pt 11
substituted by
Nos 9114
s. 3(1), 9247
s. 3(1), 10073
s. 4(1),
amended by
No. 46/1998
s. 7(Sch. 1).

PART 12—LIND NATIONAL PARK^{24, 25}

All those pieces or parcels of land containing 1370 ha, more or less, situate in the Parishes of Nungal and Winyar, County of Croajingolong, being the land bordered red or coloured yellow excepting from them the roads shown as excluded in a plan prepared by the Surveyor-General lodged in the Central Plan Office and numbered N.P. 91/1.

Sch. 2 Pt 12
substituted by
No. 24/1988
s. 5(b),
amended by
Nos 57/1995
s. 29(2)(Sch. 3
Pt A(d)(i)–(iii)),
46/1998
s. 7(Sch. 1).

PART 13—LITTLE DESERT NATIONAL PARK²⁶

All those pieces and parcels of land containing 132 647 hectares more or less in the Parishes of Moray, Nateyip, Beewar, Curtayne, Ding-a-Ding, Minimay, Mortat, Catiabrim, Spinifex, Koonik Koonik, Coynallan, Jungkum, Cooack, Duchembegarra, Pomponderoo, Watchegatcheca, Winiam and Woraig-worm, County of Lowan being the land delineated and bordered red or coloured yellow in a plan lodged in the Central Plan Office and numbered N.P. 9/3.

Sch. 2 Pt 13
substituted by
No. 7/1988
s. 4(3),
amended by
Nos 38/1989
s. 35(e)(i),
2/1991 s. 5(2),
7/1997
s. 16(2)(a)–(d),
46/1998
s. 7(Sch. 1).

PART 14—LOWER GLENELG NATIONAL PARK²⁷

All those pieces or parcels of land containing 273 square kilometres, more or less (including the area excepted), situate in the Parishes of Glenelg, Warrain, Kentbruck, Cobboboonee, Balrook, Drik Drik, Kinkella, Wanwin and Palpara, Counties of Normanby and Follett, being the land delineated and bordered red in a plan prepared by the Surveyor-General lodged in the Central Plan Office and numbered N.P. 10/3 excepting the area bordered green on plan LEGL/93–12.

Sch. 2 Pt 14
substituted by
Nos 9114
s. 3(1), 9570
s. 3(1),
amended by
Nos 61/1993
s. 35(a)(i)(ii),
57/1995
s. 29(2)(Sch. 3
Pt A(e)),
46/1998
s. 7(Sch. 1).

National Parks Act 1975
Act No. 8702/1975

Sch. 2

Sch. 2 Pt 15
substituted by
No. 9114
s. 3(1),
repealed by
No. 9247
s. 3(1), new
Sch. 2 Pt 15
inserted by
No. 7/1997
s. 14(2),
amended by
Nos 46/1998
s. 7(Sch. 1),
7/1997
s. 14(3)(a)(b),
40/2002
s. 21(2)(a)–(c).

PART 15—FRENCH ISLAND NATIONAL PARK^{28, 29}

All those pieces or parcels of land containing 11 100 hectares, more or less, situate in the Parish of French Island, County of Mornington, being the land delineated and coloured pink excepting therefrom the roads shown as excluded in the plan lodged in the Central Plan Office and numbered N.P. 83/3 and also including the land 150 metres seaward from the mean high water mark of the land coloured pink on the plan. Also excepted is any land between high water mark and 150 metres seawards of high water mark forming part of the park described in Part 6 of Schedule Seven.

Sch. 2 Pt 16
substituted by
No. 9570
s. 3(1),
amended by
Nos 38/1989
s. 27(4)(a)–(c),
46/1998
s. 7(Sch. 1).

PART 16—MORWELL NATIONAL PARK

All those pieces or parcels of land containing 396 hectares, more or less, situate in the Parish of Yinnar and Jeeralang, County of Buln Buln, being the land delineated and bordered red in a plan prepared by the Surveyor-General lodged in the Central Plan Office and numbered N.P. 12/2.

Sch. 2 Pt 17
substituted by
No. 9247
s. 3(1),
amended by
Nos 9427
s. 6(1)(Sch. 5
item 121),
57/1995
s. 9(2)(Sch. 3
Pt A(f)(i)(ii)),
46/1998
s. 7(Sch. 1).

PART 17—MOUNT BUFFALO NATIONAL PARK

All those pieces or parcels of land containing 310 square kilometres, more or less, situate in the Parishes of Barwidgee, Buckland, Dandongadale, Eurandelong, Myrtleford, Porepunkah, Towamba and Wandiligong, County of Delatite, being the land delineated and bordered red excepting therefrom roads shown as excluded also excepting therefrom land bordered blue in a plan prepared by the Surveyor-General lodged in the Central Plan Office and numbered N.P. 28/1.

Sch. 2 Pt 18
substituted by
No. 44/1986
s. 4(1),
amended by
No. 46/1998
s. 7(Sch. 1).

PART 18—MOUNT ECCLES NATIONAL PARK³⁰

All those pieces or parcels of land containing 5470 hectares, more or less, situate in the Parishes of Ardonachie, Condah, Dunmore and Macarthur, County of Normanby, being the land delineated and bordered red or coloured yellow excepting therefrom the road shown as excluded in a plan lodged in the Central Plan Office and numbered N.P. 13/1.

National Parks Act 1975
Act No. 8702/1975

Sch. 2

PART 19—MOUNT RICHMOND NATIONAL PARK³¹

All those pieces or parcels of land containing 1733 hectares, more or less, situate in the Parishes of Mouzie and Tarragal, County of Normanby, being the land delineated and bordered red or coloured yellow in a plan lodged in the Central Plan Office and numbered N.P. 14/2.

Sch. 2 Pt 19 substituted by Nos 9114 s. 3(1), 7/1987 s. 4(1), amended by No. 46/1998 s. 7(Sch. 1).

PART 20—ORGAN PIPES NATIONAL PARK

All those pieces or parcels of land containing 134 hectares, more or less, situate in the Parishes of Holden, Maribymong and Tullamarine, County of Bourke, being the land delineated and coloured pink in a plan lodged in the Central Plan Office and numbered N.P. 15/3.

Sch. 2 Pt 20 substituted by No. 9114 s. 3(1), amended by Nos 7/1997 s. 16(3)(a)–(e), 46/1998 s. 7(Sch. 1), 50/2000 s. 9(1)(a)(b).

PART 21—PORT CAMPBELL NATIONAL PARK³²

All those pieces or parcels of land containing 1750 hectares, more or less, situate in the Townships of Port Campbell and Princetown, and in the Parishes of La Trobe, Narrawaturk, Paaratte and Waarre, County of Heytesbury, being the land delineated and bordered red or coloured red excepting therefrom the roads shown as excluded also excepting therefrom land bordered blue in a plan lodged in the Central Plan Office and numbered N.P. 16/4. Also excepted from the Port Campbell National Park is that area shown hatched on a plan lodged in the Central Plan Office and numbered N.P. 16A and any land forming part of the park described in Part 11 of Schedule Seven.

Sch. 2 Pt 21 substituted by No. 9570 s. 3(3), amended by Nos 7/1997 s. 16(4)(a)(b), 46/1998 s. 7(Sch. 1), 40/2002 s. 21(3)(a)–(e), 97/2003 s. 9.

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Sch. 2 Pt 22 substituted by No. 9114 s. 3(1), repealed by No. 44/1986 s. 4(1).

National Parks Act 1975
Act No. 8702/1975

Sch. 2

Sch. 2 Pt 23
substituted by
No. 9114
s. 3(1),
amended by
Nos 46/1998
s. 7(Sch. 1),
40/2002
s. 21(4)(a)–(e),
50/2002
s. 12(2)(a)(b).

PART 23—WILSONS PROMONTORY NATIONAL PARK

All those pieces or parcels of land containing 49 049 hectares, more or less, situate in the Parishes of Beek Beek, Kulk, Tallang, Warreen and Yanakie South, County of Buln Buln and including islands and rocks adjacent to Wilsons Promontory, being the land delineated and coloured pink on a plan lodged in the Central Plan Office and numbered N.P. 17A and the land delineated and coloured pink in a plan lodged in the Central Plan Office and numbered N.P. 17/3, excepting any land between high water mark and low water mark forming part of the park described in Part 4 of Schedule Seven and part of the park described in Part 12 of Schedule Seven.

Sch. 2 Pt 24
repealed by
No. 9247
s. 3(1).

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Sch. 2 Pt 25
substituted by
No. 9247
s. 3(1),
amended by
Nos 43/1990
s. 9(a)(b),
40/1992
s. 4(a)–(c),
7/1997
s. 16(5)(a)–(e),
46/1998
s. 7(Sch. 1).

PART 25—WYPERFELD NATIONAL PARK

All those pieces or parcels of land containing 357 017 hectares, more or less, situate in the Counties of Karkaroc and Weeah, being the land delineated and bordered red excepting therefrom the roads shown as excluded also excepting therefrom land bordered blue in plans lodged in the Central Plan Office and numbered N.P. 19/3 and N.P. 19A.

Sch. 2 Pt 26
inserted by
No. 9114
s. 3(1),
substituted by
No. 10073
s. 4(1),
amended by
Nos 38/1989
s. 27(5)(a)–(c),
46/1998
s. 7(Sch. 1).

PART 26—BURROWA–PINE MOUNTAIN NATIONAL PARK³³

All those pieces or parcels of land containing 184 square kilometres, more or less, situate in the Parishes of Berrigama, Cudgewa, Jemba, Jinjellic, Tintaldra, Wabba and Walwa, County of Benambra, being the land delineated and bordered red in a plan lodged in the Central Plan Office and numbered N.P. 24/2.

Sch. 2 Pt 27
inserted by
No. 9247
s. 3(1),
amended by
Nos 7/1997
s. 16(6)(a)–(e),
46/1998
s. 7(Sch. 1).

PART 27—BAW BAW NATIONAL PARK³⁴

All those pieces or parcels of land containing 13 530 hectares, more or less, situate in the Parishes of Baw Baw, Bullung, Fumina North, Telbit, Telbit West, Walhalla and Wurutwun, Counties of Buln Buln and Tanjil, being the land delineated and bordered red or green excluding therefrom Walhalla Road, and Thompson Valley Road in a plan lodged in the Central Plan Office and numbered N.P. 29/1.

National Parks Act 1975
Act No. 8702/1975

Sch. 2

PART 28—CROAJINGOLONG NATIONAL PARK

All those pieces or parcels of land containing 875 km², more or less, situate in the townships of Gipsy Point, Tamboon and Tamboon South and situate in the Parishes of Baawang, Barga, Bemm, Betka, Bralak, Brindat, Derndang, Gabo, Mallacoota, Maramingo, Tamboon, Thurra, Wau Wauka, Wau Wauka West, Wingan and Wooyoot, County of Croajingolong, being the land delineated and bordered red, excepting from them the roads shown as excluded also excepting from them land bordered blue in a plan lodged in the Central Plan Office and numbered N.P. 30/5, also including the Skerries and Tullaberga Island to low water mark. Also excepted is any land between high water mark and low water mark forming part of the park described in Part 2 of Schedule Seven and part of the park described in Part 9 of Schedule Seven.

Sch. 2 Pt 28
inserted by
No. 9247
s. 3(1),
substituted by
Nos 9570
s. 3(1), 10073
s. 4(1),
24/1988
s. 5(c),
amended by
Nos 7/1997
s. 16(7)(a)(b),
46/1998
s. 7(Sch. 1),
40/2002
s. 21(5)(a)–(c).

PART 29—SNOWY RIVER NATIONAL PARK^{35, 36}

All those pieces or parcels of land containing 987 km², more or less, situate in the Parishes of Bonang, Buchan, Bullamalk, Chilpin, Deddick, Detarka, Gelantipy East, Loongelaat, Moonkan, Murrindal East, Tingaringy, Tubbut, Wat Wat and Woongulmerang East, Counties of Croajingolong and Tambo, being the land delineated and bordered red, excepting from them the roads shown as excluded also excepting from them the land bordered in blue in a plan prepared by the Surveyor-General lodged in the Central Plan Office and numbered N.P. 31/4.

Sch. 2 Pt 29
inserted by
No. 9247
s. 3(1),
substituted by
Nos 9570
s. 3(1)(4),
24/1988
s. 5(d),
amended by
Nos 2/1991
s. 5(3)(a)–(c),
57/1995
s. 29(2)(Sch. 3
Pt A(g)(i)–(iii)),
46/1998
s. 7(Sch. 1).

National Parks Act 1975
Act No. 8702/1975

Sch. 2

Victorian Legislation Parliamentary Documents

Sch. 2 Pt 30
inserted by
No. 9247
s. 3(1),
substituted by
Nos 9570
s. 3(5),
44/1986 s.
4(1), 24/1988
s. 5(e),
repealed by
No. 37/1989
s. 10(1)(a),
new Sch. 2
Pt 30
inserted by
No. 7/1997
s. 14(4),
amended by
No. 46/1998
s. 7(Sch. 1),
substituted by
No. 50/2002
s. 12(3).

PART 30—CHILTERN-MT PILOT NATIONAL PARK

All those pieces and parcels of land containing 21 565 hectares, more or less, in the Parishes of Barambogie, Barnawatha South, Beechworth, Byawatha, Chiltern, Chiltern West, El Dorado, Everton, Wooragee, Wooragee North, County of Bogong, being the land delineated and coloured pink or coloured green or coloured yellow in the plans lodged in the Central Plan Office and numbered N.P. 42/4 and N.P. 42A.

Sch. 2 Pt 31
inserted by
No. 9570
s. 3(3),
amended by
No. 10073
s. 4(1), GG
16.12.87
p. 3459,
Nos 57/1995
s. 29(2)(Sch. 3
Pt A(h)(i)–(iv)),
46/1998
s. 7(Sch. 1),
40/2002
s. 21(6)(a)(b).

PART 31—OTWAY NATIONAL PARK³⁷

All those pieces or parcels of land containing 129 square kilometres, more or less, situate in the Township of Princetown and the Parishes of Aire, Krambruk, La Trobe, Otway, Wangerrip and Wyelangta, Counties of Heytesbury and Polwarth, being the land delineated and bordered red, excepting therefrom the roads shown as excluded, and land bordered blue, in plans lodged in the Central Plan Office and numbered N.P. 57A/4 and N.P. 57B/2. Also excepted is any land between high water mark and low water mark forming part of the park described in Part 11 of Schedule Seven.

Sch. 2 Pt 32
inserted by
No. 9570
s. 3(6),
substituted by
No. 10073
s. 4(1),
repealed by
No. 37/1989
s. 10(1)(b).

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National Parks Act 1975
Act No. 8702/1975

Sch. 2

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Sch. 2 Pt 33
inserted by
No. 9570
s. 3(7),
amended by
No. 38/1989
s. 35(e)(ii),
repealed by
No. 37/1989
s. 10(1)(c).

PART 34—GRAMPIANS NATIONAL PARK^{38, 39}

All those pieces or parcels of land containing 167 219 hectares, more or less, situate in the Counties of Borung, Dundas, Ripon, and Villiers, being the land delineated and bordered red or coloured yellow excepting therefrom the roads shown as excluded also excepting therefrom the land bordered blue in the plans lodged in the Central Plan Office and numbered N.P. 61/2 and N.P. 61C. Also excepted from the Grampians National Park is that area shown hatched on the plan lodged in the Central Plan Office and numbered N.P. 61B.

Sch. 2 Pt 34
inserted by
No. 10073
s. 4(3),
substituted by
No. 44/1986
s. 4(1),
amended by
Nos 57/1995
s. 29(2)(Sch. 3
Pt A(i)(i)(ii)),
7/1997
s. 16(8)(a)–(d),
46/1998
s. 7(Sch. 1),
70/1998
s. 12(1)(a)–(c).

PART 35—COOPRACAMBRA NATIONAL PARK^{40, 41}

All those pieces or parcels of land containing 388 km², more or less, situate in the Parishes of Coaggalah, Derndang, Koola, Kowat, Loomat and Wangarabell, County of Croajingolong, being the land delineated and bordered red or green, excepting from them the roads shown as excluded also excepting from them the land bordered blue in a plan prepared by the Surveyor-General lodged in the Central Plan Office and numbered N.P. 43/2.

Sch. 2 Pt 35
inserted by
No. 24/1988
s. 5(f),
amended by
Nos 2/1991
s. 5(4)(a)–(c),
46/1998
s. 7(Sch. 1).

PART 36—ERRINUNDRA NATIONAL PARK^{42, 43}

All those pieces or parcels of land containing 26 875 hectares, more or less, situate in the Parishes of Bendock, Bidwell, Cobon, Dellicknora, Errinundra, Goongerah and Noonga, being the land delineated and bordered red or green or coloured yellow, excepting from them the roads shown as excluded in a plan lodged in the Central Plan Office and numbered N.P. 92/1 and N.P. 92A.

Sch. 2 Pt 36
inserted by
No. 24/1988
s. 5(g),
amended by
Nos 2/1991
s. 5(5)(a)(b),
46/1998
s. 7(Sch. 1),
70/1998
s. 12(2)(a)–(d).

National Parks Act 1975
Act No. 8702/1975

Sch. 2

Sch. 2 Pt 37
inserted by
No. 37/1989
s. 10(2),
amended by
Nos 2/1991
s. 5(6),
37/1989 s.
11(1)–(3)(5)
(as amended
by No. 7/1997
s. 25(2)),
57/1995
s. 29(2)(Sch. 3
Pt A(j)(i)–(iv)),
35/1997 s. 30
(a)–(f), 89/1997
s. 73(a)(b),
46/1998
s. 7(Sch. 1),
37/1989
s. 11(4)(a)(b)
(as amended
by No. 7/1997
s. 25(1)),
amended by
No. 50/2000
s. 9(2)(a)–
(d)(3).

Sch. 2 Pt 38
inserted by
No. 43/1990
s. 5,
amended by
No. 46/1998
s. 7(Sch. 1).

Sch. 2 Pt 39
inserted by
No. 57/1995
s. 17,
amended by
Nos 46/1998
s. 7(Sch. 1),
50/2000
s. 9(4)(a)–(c).

PART 37—ALPINE NATIONAL PARK^{44, 45, 46}

All those pieces or parcels of land containing 660 550 hectares, more or less, situate in the Counties of Benambra, Bogong, Croajingolong, Dargo, Delatite, Tambo, Tanjil and Wonnangatta being the land delineated and bordered red or green or coloured red or yellow excepting therefrom the roads shown as excluded also excepting therefrom land bordered blue also excepting the Benambra–Black Mountain Road, the Alpine Road, the Dargo Road, the Omeo Highway, the Benambra–Corryong Road and the Bogong High Plains Road north of Falls Creek Alpine Resort in the plans lodged in the Central Plan Office and numbered N.P. 70/3a, N.P. 70/1b, N.P. 70/2c, N.P. 70/1d, N.P. 70/2e, N.P. 70/3f, N.P. 70/1g and N.P. 70/1h.

PART 38—MURRAY–SUNSET NATIONAL PARK⁴⁷

All those pieces or parcels of land containing 6330 square kilometres, more or less, situate in the Counties of Karkarooc, Millewa and Weeah, being the lands delineated and bordered red, excepting from them the roads shown as excluded, also excepting from them the land bordered blue, in the plans lodged in the Central Plan Office and numbered N.P. 51/2A and 51/2B.

PART 39—YARRA RANGES NATIONAL PARK⁴⁸

All those pieces or parcels of land containing 76 003 hectares, more or less, situate in the Parishes of Brimbonga, Bullung, Buxton, Coornburt, Glenwatts, Gracedale, Granton, Manango, Monda, Narbethong, Noojee, St. Clair, Steavenson, Taponga, Toorong, Torbreck, Youarrabuck and Yuonga, Counties of Anglesey, Buln Buln, Evelyn, Tanjil and Wonnangatta being the land delineated and bordered red or green or coloured yellow and that portion of Crown Allotment B, Parish of Taponga south of the Warburton–Woods Point Road excepting therefrom the roads shown as excluded also excepting therefrom that part of the land bordered blue that does not include Crown Allotments 1, A and C, Parish of Manango also excepting therefrom the Crown Allotments listed in the plans lodged in the Central Plan Office and numbered N.P. 102A and N.P. 102B.

National Parks Act 1975
Act No. 8702/1975

Sch. 2

PART 40—TERRICK TERRICK NATIONAL PARK

All those pieces of land containing 3 880 hectares, situate in the Parishes of Terrick Terrick East and Terrick Terrick West, County of Gunbower, being land delineated and coloured pink or coloured green or coloured yellow in a plan lodged in the Central Plan Office and numbered N.P. 84/2.

Sch. 2 Pt 40
inserted by
No. 70/1998
s. 10,
amended by
No. 50/2002
s. 12(4)(a)–(d).

PART 41—GREATER BENDIGO NATIONAL PARK

All those pieces and parcels of land containing 17 000 hectares, more or less, situate in the Parishes of Bagshot, Egerton, Huntly, Lockwood, Mandurang, Neilborough, Nerring, Sandhurst, Strathfieldsaye and Whirrakee, County of Bendigo, being the land delineated and coloured pink or coloured green or coloured yellow or coloured grey or coloured blue excepting therefrom the roads shown as excluded in plans lodged in the Central Plan Office and numbered N.P. 105A and N.P. 105B and, in the case of the land shown by hatching or cross-hatching on those plans, that is at or above a depth of 100 metres below the land surface.

Sch. 2 Pt 41
inserted by
No. 50/2002
s. 12(5).

PART 42—HEATHCOTE-GRAYTOWN NATIONAL PARK

All those pieces and parcels of land containing 12 700 hectares, more or less, situate in the Township of Graytown and the Parishes of Cherrington, Costerfield, Dargile, Heathcote, Moormbool East, Moormbool West, Redcastle and Wirrate, Counties of Dalhousie and Rodney, being the land delineated and coloured pink or coloured green or coloured yellow in a plan lodged in the Central Plan Office and numbered N.P. 106.

Sch. 2 Pt 42
inserted by
No. 50/2002
s. 12(5).

PART 43—ST ARNAUD RANGE NATIONAL PARK

All those pieces and parcels of land containing 13 900 hectares, more or less, situate in the Parishes of Barkly, Boola Boloke, Carapooee West and Redbank, County of Kara Kara, being the land delineated and coloured pink or coloured green or coloured yellow in a plan lodged in the Central Plan Office and numbered N.P. 107.

Sch. 2 Pt 43
inserted by
No. 50/2002
s. 12(5).

National Parks Act 1975
Act No. 8702/1975

Sch. 2A

Sch. 2A
inserted by
No. 38/1989
s. 16.

SCHEDULE TWO A⁴⁹

Section 17A

WILDERNESS PARKS

PART 1—BIG DESERT WILDERNESS PARK

All those pieces or parcels of land containing 1423 square kilometres, more or less, situate in the County of Weeah, being the land delineated and shown by diagonal hatching in a plan lodged in the Central Plan Office and numbered N.P. 39/1.

Sch. 2A Pt 1
inserted by
No. 38/1989
s. 16,
amended by
Nos 40/1992
s. 6(a)–(c),
46/1998
s. 7(Sch. 1) (as
amended by
No. 12/1999
s. 3(Sch. 1
item 23)).

PART 2—AVON WILDERNESS PARK

All those pieces or parcels of land containing 39 650 hectares, more or less, situate in the Counties of Tanjil and Wonnangatta being the land delineated and bordered red or bordered green in a plan lodged in the Central Plan Office and numbered N.P. 74/1.

Sch. 2A Pt 2
inserted by
No. 38/1989
s. 16,
amended by
Nos 40/1992
s. 9(a)(b),
46/1998
s. 7(Sch. 1) (as
amended by
No. 12/1999
s. 3(Sch. 1
item 23)).

PART 3—WABBA WILDERNESS PARK⁵⁰

All those pieces or parcels of land, containing 201 square kilometres more or less, situate in the County of Benambra, being the land shown by diagonal hatching and delineated and bordered red or bordered green on the plan lodged in the Central Plan Office and numbered N.P. 99.

Sch. 2A Pt 3
inserted by
No. 40/1992
s. 7,
amended by
No. 46/1998
s. 7(Sch. 1).

National Parks Act 1975
Act No. 8702/1975

Sch. 2B

SCHEDULE TWO B⁵¹

Section 17(1A)

Sch. 2B
inserted by
No. 38/1989
s. 28.

STATE PARKS

PART 1—ANGAHOOK—LORNE STATE PARK⁵²

All those pieces or parcels of land containing 21 359 hectares, more or less, situate in the Parishes of Angahook, Boonah, Kaanglang, Lorne, Wensleydale, Wongarra and Wormbete, Counties of Grant and Polwarth, being the land delineated and coloured pink or coloured yellow excepting the roads shown as excluded in a plan lodged in the Central Plan Office and numbered N.P. 79/2.

Notwithstanding the declaration of the land as a park and subject to section 25B minor forest produce may be harvested when required in connection with maintenance of the mature red ironbark stands or when available as a result of park management activities.

Sch. 2B Pt 1
inserted by
No. 38/1989
s. 28,
amended by
Nos 57/1995
s. 29(3)(Sch. 3
Pt B(a)(i)–(iii)),
7/1997 s. 17(1)
(a)–(e),
46/1998
s. 7(Sch. 1).

PART 2—ARTHURS SEAT STATE PARK^{53, 54}

All those pieces or parcels of land containing 572 hectares, more or less, situate in the Parishes of Wannaeue and Kangerong, County of Mornington being the land delineated and bordered black and, within that border, coloured pink or yellow in a plan lodged in the Central Plan Office and numbered N.P. 36/5.

Sch. 2B Pt 2
inserted by
No. 38/1989
s. 28,
amended by
Nos 7/1997
s. 17(2)(a)–(d),
46/1998
s. 7(Sch. 1).

PART 3—BARMAH STATE PARK

All those pieces or parcels of land containing 7900 hectares, more or less, situate in the Parishes of Barmah, Cocomah, Strathmerton, Ulupna, Yalca and Yielima, County of Moira, being the land delineated and bordered red or bordered green or coloured yellow in a plan lodged in the Central Plan Office and numbered N.P. 85.

Notwithstanding the declaration of the land as a park and subject to section 25B timber and minor forest produce may be harvested.

Sch. 2B Pt 3
inserted by
No. 38/1989
s. 28,
amended by
No. 46/1998
s. 7(Sch. 1).

National Parks Act 1975
Act No. 8702/1975

Sch. 2B

Sch. 2B Pt 4
inserted by
No. 38/1989
s. 28,
amended by
No. 46/1998
s. 7(Sch. 1).

PART 4—BLACK RANGE STATE PARK

All those pieces or parcels of land containing 11 700 hectares, more or less, situate in the Parishes of Daahl, Mockinya, Tyar and Yat Nat, County of Lowan, being the land delineated and bordered red or bordered green or coloured yellow excepting therefrom the roads shown as excluded in a plan lodged in the Central Plan Office and numbered N.P. 77.

Sch. 2B Pt 5
inserted by
No. 38/1989
s. 29(1),
amended by
Nos 7/1997
s. 17(3)(a)–(f),
46/1998
s. 7(Sch. 1).

PART 5—BUNYIP STATE PARK^{55, 56}

All those pieces or parcels of land containing 16 560 hectares, more or less, situate in the Parishes of Bunyip, Gembrook, Jindivick, Nayook West, Tonimbuk and Tonimbuk East, Counties of Buln Buln, Evelyn and Mornington, being the land delineated and bordered red or bordered green, excepting therefrom the roads shown as excluded, also excepting therefrom land delineated and bordered blue in a plan lodged in the Central Plan Office and numbered N.P. 87/1.

Sch. 2B Pt 6
inserted by
No. 38/1989
s. 28,
amended by
No. 46/1998
s. 7(Sch. 1).

PART 6—CAPE NELSON STATE PARK

All those pieces or parcels of land containing 210 hectares, more or less, situate in the Parish of Trewalla, County of Normanby, being the land delineated and bordered red in a plan lodged in the Central Plan Office and numbered N.P. 40.

Sch. 2B Pt 7
inserted by
No. 38/1989
s. 28,
amended by
No. 46/1998
s. 7(Sch. 1).

PART 7—CARLISLE STATE PARK

All those pieces or parcels of land containing 5600 hectares, more or less, situate in the Parishes of Moorbanool, Natta Murrang, Newlingbrook and Noomowroong, County of Polwarth, being the land delineated and bordered red or coloured yellow excepting therefrom the roads shown as excluded in a plan lodged in the Central Plan Office and numbered N.P. 88.

Sch. 2B Pt 8
inserted by
No. 38/1989
s. 28,
amended by
Nos 7/1997
s. 17(4)(a)–(c),
46/1998
s. 7(Sch. 1).

PART 8—CATHEDRAL RANGE STATE PARK

All those pieces or parcels of land containing 3616 hectares, more or less, situate in the Parishes of Taggerty and Torbreck, County of Anglesey, being the land delineated and bordered red excepting therefrom the roads shown as excluded also excepting therefrom land bordered blue in a plan lodged in the Central Plan Office and numbered N.P. 41/2.

National Parks Act 1975
Act No. 8702/1975

Sch. 2B

PART 9—DERGHOLM STATE PARK

All those pieces or parcels of land containing 10 400 hectares, more or less, situate in the Parishes of Dergholm, Bogalara, Ganoo Ganoo, Mageppa, Warrock and Youpayang, Counties of Dundas and Follett, being the land delineated and bordered red or bordered green excepting therefrom the roads shown as excluded in a plan lodged in the Central Plan Office and numbered N.P. 82.

Sch. 2B Pt 9
inserted by
No. 38/1989
s. 29(2),
amended by
No. 46/1998
s. 7(Sch. 1).

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Sch. 2B Pt 10
inserted by
No. 38/1989
s. 28,
repealed by
No. 7/1997
s. 17(5)(a).

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Sch. 2B Pt 11
inserted by
No. 38/1989
s. 28,
repealed by
No. 7/1997
s. 17(5)(b).

PART 12—HOLEY PLAINS STATE PARK

All those pieces or parcels of land containing 10 641 hectares, more or less, situate in the Parishes of Coolungoolun, Holey Plains and Rosedale, County of Buln Buln, being the land delineated and coloured pink excepting therefrom the roads shown as excluded in a plan lodged in the Central Plan Office and numbered N.P. 33/3.

Sch. 2B Pt 12
inserted by
No. 38/1989
s. 28,
amended by
Nos 57/1995
s. 29(3)(Sch. 3
Pt A(b)(i)(ii)),
7/1997
s. 17(6)(a)–(e),
46/1998
s. 7(Sch. 1).

National Parks Act 1975
Act No. 8702/1975

Sch. 2B

Sch. 2B Pt 13
inserted by
No. 38/1989
s. 28,
amended by
Nos 2/1991
s. 6(1)(a)–(d),
7/1997 s. 17(7)
(a)–(d),
46/1998
s. 7(Sch. 1),
70/1998
s. 12(3)(a)(b),
50/2000
s. 10(a)(b),
repealed by
No. 50/2002
s. 13(1).

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Sch. 2B Pt 14
inserted by
No. 38/1989
s. 28,
amended by
Nos 7/1997
s. 17(8)(a)–(e),
46/1998
s. 7(Sch. 1),
repealed by
No. 50/2002
s. 13(1).

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Sch. 2B Pt 15
inserted by
No. 38/1989
s. 28,
amended by
No. 46/1998
s. 7(Sch. 1),
substituted by
No. 50/2002
s. 13(2).

PART 15—KOOYOORA STATE PARK

All those pieces and parcels of land containing 11 350 hectares, more or less, situate in the Township of Kooyoora and the Parishes of Brenanah, Glenalbyn, Kangdaraar, Kingower, Tchuterr and Wehla, County of Gladstone, being the land delineated and coloured pink or coloured green or coloured yellow in a plan lodged in the Central Plan Office and numbered N.P. 64/2.

Sch. 2B Pt 16
inserted by
No. 38/1989
s. 28,
amended by
No. 46/1998
s. 7(Sch. 1).

PART 16—LANGI GHIRAN STATE PARK

All those pieces or parcels of land containing 2695 hectares, more or less, situate in the Parishes of Colvinsby and Warrak, Counties of Borung and Ripon, being the land delineated and bordered red or bordered green or coloured yellow excepting therefrom the roads shown as excluded also excepting therefrom land bordered blue in a plan lodged in the Central Plan Office and numbered N.P. 65.

National Parks Act 1975
Act No. 8702/1975

Sch. 2B

PART 17—LERDERDERG STATE PARK^{57, 58}

All those pieces or parcels of land containing 142.5 km², more or less, situate in the Parishes of Blackwood, Bullengarook, Coimadai, Coornmill and Myrniong, County of Bourke, being the land delineated and bordered red in a plan lodged in the Central Plan Office and numbered N.P. 89/2.

Notwithstanding the declaration of this land as a park the following activities may be carried on subject to section 25B and the following conditions:

Extraction of minor forest produce arising from activities designed to change the vegetation to a form and composition closer to the original condition of the forest.

Sch. 2B Pt 17
inserted by
No. 38/1989
s. 28,
amended by
Nos 2/1991
s. 6(2)(a)(b),
57/1995
s. 29(3)(Sch. 3
Pt B(c)(i)–(iii))
(as amended
by No.
74/2000
s. 3(Sch. 1
item 88.3)),
46/1998
s. 7(Sch. 1).

PART 18—MELBA GULLY STATE PARK

All that piece or parcel of land containing 73 hectares, more or less, situate in the Parish of Barwongemoong, County of Polwarth, being the land delineated and bordered red in a plan lodged in the Central Plan Office and numbered N.P. 34/2.

Sch. 2B Pt 18
inserted by
No. 38/1989
s. 28,
amended by
Nos 57/1995
s. 29(3)(Sch. 3
Pt B(d)(i)(ii)),
46/1998
s. 7(Sch. 1).

PART 19—MOONDARRA STATE PARK

All those pieces or parcels of land containing 6292 hectares, more or less (including the land bordered green on plan LEGL/93–120), situate in the Parishes of Bundowra, Moondarra, Tanjil and Tanjil East, County of Tanjil, being the land delineated and bordered red or bordered green excepting therefrom the Walhalla Road and Seninis Track and the roads shown as excluded also excepting therefrom land bordered blue or coloured brown also excepting therefrom the land coloured green on plan No. LEGL/93–120 and in a plan lodged in the Central Plan Office and numbered N.P. 66.

Sch. 2B Pt 19
inserted by
No. 38/1989
s. 28,
amended by
Nos 61/1993
s. 35(b)(i)(ii),
46/1998
s. 7(Sch. 1).

PART 20—MOUNT ARAPILES–TOOAN STATE PARK⁵⁹

All those pieces or parcels of land containing 5061 hectares, more or less, situate in the Parishes of Arapiles, Gymbowen and Tooan, County of Lowan, being the land delineated and bordered red or coloured yellow excepting therefrom the roads shown as excluded in a plan lodged in the Central Plan Office and numbered N.P. 81/2

Sch. 2B Pt 20
inserted by
No. 38/1989
s. 28,
amended by
Nos 57/1995
s. 29(3)(Sch. 3
Pt B(e)(i)–(iii)),
46/1998
s. 7(Sch. 1).

National Parks Act 1975
Act No. 8702/1975

Sch. 2B

Sch. 2B Pt 21
inserted by
No. 38/1989
s. 29(4),
amended by
No. 46/1998
s. 7(Sch. 1).

PART 21—MT. BUANGOR STATE PARK

All those pieces or parcels of land containing 2400 hectares, more or less, situate in the Parishes of Buangor, Glenpatrick, Raglan West and Warrak, Counties of Kara Kara and Ripon, being the land delineated and bordered red or bordered green excepting therefrom the roads shown as excluded, also excepting therefrom land delineated and bordered blue in a plan lodged in the Central Plan Office and numbered N.P. 95.

Sch. 2B Pt 22
inserted by
No. 38/1989
s. 28,
amended by
No. 46/1998
s. 7(Sch. 1).

PART 22—MOUNT LAWSON STATE PARK

All those pieces or parcels of land containing 13 150 hectares, more or less, situate in the Parishes of Bungil East, Burrowye, Koetong and Thologolong, County of Benambra, being the land delineated and bordered red or coloured yellow excepting therefrom the roads shown as excluded also excepting therefrom land bordered blue in a plan lodged in the Central Plan Office and numbered N.P. 80.

Sch. 2B Pt 23
inserted by
No. 38/1989
s. 28,
amended by
No. 46/1998
s. 7(Sch. 1).

PART 23—MOUNT NAPIER STATE PARK

All those pieces or parcels of land containing 2800 hectares, more or less, situate in the Parishes of Byaduk and Napier, County of Normanby, being the land delineated and bordered red or bordered green, excepting therefrom the roads shown as excluded in a plan lodged in the Central Plan Office and numbered N.P. 76.

Sch. 2B Pt 24
inserted by
No. 38/1989
s. 28,
amended by
No. 46/1998
s. 7(Sch. 1).

PART 24—MOUNT SAMARIA STATE PARK

All those pieces or parcels of land containing 7600 hectares, more or less, situate in the Parishes of Dueran, Moorngag and Nillahcootie, County of Delatite, being the land delineated and bordered red or bordered green excepting therefrom the roads shown as excluded in a plan lodged in the Central Plan Office and numbered N.P. 49.

Sch. 2B Pt 25
inserted by
No. 38/1989
s. 28,
amended by
No. 46/1998
s. 7(Sch. 1).

PART 25—MOUNT WORTH STATE PARK

All those pieces or parcels of land containing 1040 hectares, more or less, situate in the Parishes of Allambee, Allambee East and Warragul, County of Buln Buln, being the land delineated and bordered red or coloured yellow excepting therefrom the Allambee Estate road in a plan lodged in the Central Plan Office and numbered N.P. 35/2.

National Parks Act 1975
Act No. 8702/1975

Sch. 2B

PART 26—PADDYS RANGES STATE PARK^{60, 61}

All those pieces or parcels of land containing 2 010 hectares, more or less, situate in the Parishes of Amherst, Bung Bong and Maryborough, County of Talbot, being the land delineated and coloured pink or coloured green or coloured yellow in a plan lodged in the Central Plan Office and numbered N.P. 96/3.

Sch. 2B Pt 26 inserted by No. 38/1989 s. 29(5), amended by Nos 2/1991 s. 6(3)(a)(b), 57/1995 s. 29(3)(Sch. 3 Pt B(f)(i)–(iii)), 46/1998 s. 7(Sch. 1), 50/2002 s. 13(3)(a)–(d).

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Sch. 2B Pt 27 inserted by No. 38/1989 s. 28, repealed by No. 43/1990 s. 6.

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Sch. 2B Pt 28 inserted by No. 38/1989 s. 28, amended by No. 46/1998 s. 7(Sch. 1), repealed by No. 70/1998 s. 12(4).

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Sch. 2B Pt 29 inserted by No. 38/1989 s. 28, repealed by No. 37/1989 s. 12.

PART 30—WARBY RANGE STATE PARK

All those pieces or parcels of land containing 11 460 hectares, more or less, situate in the Parishes of Boweya, Glenrowen, Killawarra, Peechelba and Taminick, County of Moira, being the land delineated and coloured pink or coloured green or coloured yellow in a plan lodged in the Central Plan Office and numbered N.P. 26/6.

Sch. 2B Pt 30 inserted by No. 38/1989 s. 28, substituted by No. 38/1989 s. 29(6), amended by Nos 57/1995 s. 29(3)(Sch. 3 Pt B(g)(i)(ii)), 46/1998 s. 7(Sch. 1), 50/2002 s. 13(4)(a)–(d).

National Parks Act 1975
Act No. 8702/1975

Sch. 2B

Sch. 2B Pt 31
inserted by
No. 38/1989
s. 28,
amended by
Nos 7/1997
s. 17(9)(a)–(c),
46/1998
s. 7(Sch. 1).

PART 31—WARRANTYTE STATE PARK⁶²

All those pieces or parcels of land containing 676 hectares, more or less, situate in the Townships of Warrandyte and Warrandyte North and the Parishes of Warrandyte and Nillumbik, County of Evelyn, being the land delineated and bordered red in a plan lodged in the Central Plan Office and numbered N.P. 21/5.

Sch. 2B Pt 32
inserted by
No. 38/1989
s. 28,
amended by
Nos 57/1995
s. 29(3)(Sch. 3
Pt B(h)(i)–(iii)),
46/1998
s. 7(Sch. 1).

PART 32—WERRIBEE GORGE STATE PARK

All those pieces or parcels of land containing 575 hectares, more or less, situate in the Parishes of Gorong, Gorrockburkhap and Korkuperrimul, Counties of Grant and Bourke, being the land delineated and bordered red in a plan lodged in the Central Plan Office and numbered N.P. 37/1.

Sch. 2B Pt 33
inserted by
No. 38/1989
s. 28,
amended by
Nos 7/1997
s. 17(10)
(a)–(e),
46/1998
s. 7(Sch. 1),
repealed by
No. 50/2002
s. 13(5).

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Sch. 2B Pt 34
inserted by
No. 43/1990
s. 7,
amended by
No. 46/1998
s. 7(Sch. 1).

PART 34—LEAGHUR STATE PARK

All that piece or parcel of land containing 1580 hectares, more or less, situate in the Parishes of Leaghur and Meering, County of Tatchera, being the land bordered green and coloured red in the plan lodged in the Central Plan Office and numbered N.P. 97.

National Parks Act 1975
Act No. 8702/1975

Sch. 2B

PART 35—MOUNT GRANYA STATE PARK⁶³

All those pieces or parcels of land containing 6140 hectares, more or less, situate in the Parishes of Bungil, Bullioh and Talgarno, County of Benambra, being the land delineated and bordered red or bordered green in a plan lodged in the Central Plan Office and numbered N.P. 100.

Sch. 2B Pt 35
inserted by
No. 57/1995
s. 29(1)
(Sch. 2) (as
amended by
No. 79/1995
s. 40),
amended by
No. 46/1998
s. 7(Sch. 1).

PART 36—ENFIELD STATE PARK⁶⁴

All those pieces or parcels of land containing 4400 hectares, more or less, situate in the Parishes of Lynchfield, Enfield and Dereel, County of Grenville, being the land delineated and bordered red excepting therefrom the roads shown as excluded and also excepting therefrom the Colac/Ballarat Road in a plan lodged in the Central Plan Office and numbered N.P. 98/1.

Sch. 2B Pt 36
inserted by
No. 57/1995
s. 29(1)
(Sch. 2) (as
amended by
No. 79/1995
s. 40),
amended by
Nos 7/1997
s. 17(11)
(a)–(c),
46/1998
s. 7(Sch. 1).

PART 37—BROKEN-BOOSEY STATE PARK

All those pieces and parcels of land containing 1 030 hectares, more or less, situate in the Townships of Dunbulbalane, Katamatite and Wunghnu and the Parishes of Boosey, Drumanure, Dunbulbalane, Katamatite, Naringaningalook, Tharanbegga, Youanmite and Youarang, County of Moira, being the land delineated and coloured pink and coloured yellow excepting therefrom the roads shown as excluded in a plan lodged in the Central Plan Office and numbered N.P. 108.

Sch. 2B Pt 37
inserted by
No. 50/2002
s. 13(6).

PART 38—REEF HILLS STATE PARK

All those pieces and parcels of land containing 2 020 hectares, more or less, situate in the Parishes of Benalla and Kelfeera, County of Delatite, being the land delineated and coloured pink in a plan lodged in the Central Plan Office and numbered N.P. 68/1.

Sch. 2B Pt 38
inserted by
No. 50/2002
s. 13(6).

National Parks Act 1975
Act No. 8702/1975

Sch. 3

Section 18.

Sch. 3
amended by
Nos 9114
s. 4(1), 9247
s. 3(2), 9570
s. 3(2)(7)(8),
10073
s. 4(2)(4)(5) (as
amended by
No. 10166
s. 21) (6)–(8),
10166
s. 4(2)–(5),
44/1986
s. 4(2)–(6),
7/1987
ss 4(2)(3)(5)–
(9), 8, 7/1988
s. 4(4)–(10),
24/1988 s. 6,
38/1989 s. 17,
substituted by
No. 38/1989
s. 28.

Sch. 3 Pt 1
inserted by
No. 38/1989
s. 28,
amended by
Nos 38/1989
s. 30(1)(a)(b),
46/1998
s. 7(Sch. 1),
50/2002
s. 14(1)(a)(b).

Sch. 3 Pt 1A
inserted by
No. 7/1997
s. 15(1),
amended by
No. 46/1998
s. 7(Sch. 1).

SCHEDULE THREE

OTHER PARKS

PART 1—BEECHWORTH PARK

All those pieces or parcels of land containing 1 080 hectares, more or less, situate in the Township of Beechworth and the Parishes of Beechworth and El Dorado, County of Bogong, being the land delineated and bordered red excepting therefrom the roads shown as excluded also excepting therefrom land bordered blue in plans lodged in the Central Plan Office numbered N.P. 38A/2 and N.P. 38B/1, also excepting therefrom the land indicated by hatching on a plan lodged in the Central Plan Office and numbered N.P. 38C.

PART 1A—BAY OF ISLANDS COASTAL PARK

All those pieces and parcels of land containing 950 hectares, more or less, situate in the Parishes of Mepunga, Nirranda and Narrawaturk, County of Heytesbury, being the land delineated and bordered red excepting therefrom the roads shown as excluded in the plan lodged in the Central Plan Office and numbered N.P. 101.

National Parks Act 1975
Act No. 8702/1975

Sch. 3

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Sch. 3 Pt 2
inserted by
No. 38/1989
s. 28,
amended by
Nos 38/1989
s. 30(2)(a)(b),
57/1995
s. 29(4)(Sch. 3
Pt C(a)(i)(iv)),
repealed by
No. 7/1997
s. 18(1).

PART 2A—CAPE CONRAN COASTAL PARK⁶⁵

All those pieces and parcels of land containing 11 700 hectares, more or less, situate in the Parishes of Bemm, Jilwain, Tabbara and Yarak, County of Croajingolong, being the land delineated and bordered red or coloured yellow excepting therefrom the roads shown as excluded in the plan lodged in the Central Plan Office and numbered N.P. 103.

Sch. 3 Pt 2A
inserted by
No. 7/1997
s. 15(2),
amended by
No. 46/1998
s. 7(Sch. 1).

PART 3—DISCOVERY BAY COASTAL PARK^{66, 67}

All those pieces or parcels of land containing 10 460 hectares, more or less, situate in the Parishes of Glenelg, Kentbruck, Mouzie, Portland, Tarragal, Trewalla and Warrain, Counties of Follett and Normanby, being the land delineated and coloured pink excepting therefrom the roads shown as excluded in plans lodged in the Central Plan Office and numbered N.P. 44/5 and N.P. 44A/2. Also excepted is any land between high water mark and low water mark forming part of the park described in Part 5 of Schedule Seven.

Sch. 3 Pt 3
inserted by
No. 38/1989
s. 28,
amended by
Nos 7/1997
s. 18(2)(a)–(h),
46/1998
s. 7(Sch. 1),
40/2002
s. 22(a)(b).

PART 4—WOODLANDS HISTORIC PARK

All those pieces or parcels of land containing 704 hectares, situate in the Parishes of Bulla Bulla, Will-will-rook and Yuroke, County of Bourke, being the land delineated and bordered red excepting therefrom the land bordered blue in a plan lodged in the Central Plan Office and numbered N.P. 75/1.

Sch. 3 Pt 4
inserted by
No. 38/1989
s. 28,
amended by
Nos 57/1995
s. 29(4)(Sch. 3
Pt C(b)(i)–(iv)),
46/1998
s. 7(Sch. 1).

* * * * *

Sch. 3 Pt 5
inserted by
No. 38/1989
s. 31,
repealed by
No. 7/1997
s. 18(3).

National Parks Act 1975
Act No. 8702/1975

Sch. 3

Sch. 3 Pt 6
inserted by
No. 38/1989
s. 28,
amended by
Nos 7/1997
s. 18(4)(a)–(f),
46/1998
s. 7(Sch. 1),
50/2000
s. 11(a)–(c).

PART 6—GIPPSLAND LAKES COASTAL PARK⁶⁸

All those pieces or parcels of land containing 17 600 hectares, more or less, situate in the Township of Seacombe and the Parishes of Boole Poole, Booran, Colquhoun, Dulungalong, Giffard, Seacombe and Wulla Wullock, Counties of Buln Buln and Tanjil, being the land delineated and coloured pink or yellow excepting therefrom the roads shown as excluded in plans lodged in the Central Plan Office and numbered N.P. 46A/5, N.P. 46B/3 and N.P. 46C/5.

Sch. 3 Pt 7
inserted by
No. 38/1989
s. 28,
amended by
No. 46/1998
s. 7(Sch. 1).

PART 7—HAINING PARK

All those pieces or parcels of land containing 66.3 hectares, more or less, situate in the Parishes of Gracedale and Yuonga, County of Evelyn, being the land delineated and bordered red in a plan lodged in the Central Plan Office and numbered N.P. 25/1.

Sch. 3 Pt 8
inserted by
No. 38/1989
s. 28,
amended by
Nos 43/1990
s. 10(a)–(c),
46/1998
s. 7(Sch. 1).

PART 8—LAKE ALBACUTYA PARK

All those pieces or parcels of land containing 8300 hectares, more or less, situate in the Counties of Karkarooc and Weeah, being the land delineated and bordered red or bordered green in a plan lodged in the Central Plan Office and numbered N.P. 47/1.

Sch. 3 Pt 9
inserted by
No. 38/1989
s. 28,
amended by
Nos 57/1995
s. 29(4)(Sch. 3
Pt C(c)),
46/1998
s. 7(Sch. 1).

PART 9—LANGWARRIN FLORA AND FAUNA RESERVE

All those pieces or parcels of land containing 214 hectares, more or less, situate in the Parish of Langwarrin, County of Mornington, being the land delineated and bordered red in a plan lodged in the Central Plan Office and numbered N.P. 69/2.

Sch. 3 Pt 10
inserted by
No. 38/1989
s. 28,
amended by
Nos 57/1995
s. 29(4)(Sch. 3
Pt C(d)(i)(ii)),
7/1997
s. 18(5)(a)–(d),
46/1998
s. 7(Sch. 1).

PART 10—LYSTERFIELD PARK⁶⁹

All those pieces or parcels of land containing 1397 hectares, more or less, situate in the Parish of Narree Worran, County of Mornington, and being the land delineated and bordered red excepting therefrom the road shown as excluded in a plan lodged in the Central Plan Office and numbered N.P. 60/4.

National Parks Act 1975
Act No. 8702/1975

Sch. 3

PART 11—MURRAY—KULKYNE PARK

All those pieces or parcels of land containing 3530 hectares, more or less, situate in the Parishes of Brockie, Cantala, Colignan, Kulkyne and Liparoo, County of Karkarooc, being the land delineated and bordered red or bordered green in a plan lodged in the Central Plan Office and numbered N.P. 50/2.

Sch. 3 Pt 11
inserted by
No. 38/1989
s. 28,
amended by
Nos 43/1990
s. 11(a)–(d),
46/1998
s. 7(Sch. 1).

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Sch. 3 Pt 12
inserted by
No. 38/1989
s. 28,
amended by
No. 46/1998
s. 7(Sch. 1),
repealed by
No. 50/2002
s. 14(2).

PART 13—STEIGLITZ PARK

All those pieces or parcels of land containing 469 hectares, more or less, situate in the Township of Steiglitz and the Parish of Durdidwarrah, County of Grant, being the land delineated and bordered red excepting therefrom the roads shown as excluded also excepting therefrom the land bordered blue in a plan lodged in the Central Plan Office and numbered N.P. 52/4.

Sch. 3 Pt 13
inserted by
No. 38/1989
s. 28,
amended by
Nos 57/1995
s. 29(4)(Sch. 3
Pt C(e)(i)(ii)),
46/1998
s. 7(Sch. 1).

PART 14—TYERS PARK

All those pieces or parcels of land containing 1810 hectares, more or less, situate in the Parish of Tanjil East, County of Tanjil, being the land delineated and bordered red or bordered green, excepting therefrom the road shown as excluded, also excepting therefrom land bordered blue in a plan lodged in the Central Plan Office and numbered N.P. 67.

Sch. 3 Pt 14
inserted by
No. 38/1989
s. 28,
amended by
No. 46/1998
s. 7(Sch. 1).

National Parks Act 1975
Act No. 8702/1975

Sch. 3

Sch. 3 Pt 15
inserted by
No. 38/1989
s. 28,
repealed by
No. 57/1995
s. 18,
new Sch. 3
Pt 15
inserted by
No. 7/1997
s. 15(3),
amended by
No. 46/1998
s. 7(Sch. 1).

PART 15—CAPE LIPTRAP COASTAL PARK⁷⁰

All those pieces and parcels of land containing 4175 hectares, more or less, situate in the Parishes of Tarwin, Tarwin South, Waratah and Waratah North, County of Buln Buln, being the land delineated and coloured pink or green excepting therefrom the roads shown as excluded in the plan lodged in the Central Plan Office and numbered N.P. 104.

National Parks Act 1975
Act No. 8702/1975

Sch. 4

SCHEDULE FOUR

PART 1—WILSONS PROMONTORY MARINE RESERVE

Description

Crown land temporarily reserved for the conservation of areas of natural interest or beauty or scientific history or archaeological interest and shown coloured pink on plan N.P.M.R. 1/2 lodged in the Central Plan Office except any land reserved as a national park or declared or deemed to be reserved for any purpose under the **Crown Land (Reserves) Act 1978** and any land proclaimed or set aside as a road or any land for which permission to occupy has been given by the Crown or a licence or lease under the **Land Act 1958** is in force by Orders in Council of 18 March 1986 (see Government Gazette dated 26 March 1986) also excepting any land seawards of low water mark forming part of the park described in Part 12 of Schedule Seven.

Section of the Act under which land is managed

19B.

Date of Appointment of Director to Manage Land

18 March 1986, Gazette 26 March 1986.

Provisions of the Act to apply to the land

Sections 1 to 6 inclusive, 9 to 27 inclusive, 33(3), 35 to 39 inclusive, 40 to 48 inclusive.

Application of the Regulations to the land

Park Regulations 1992.

PART 2—WILSONS PROMONTORY MARINE PARK

Description

Crown land shown coloured yellow on plan N.P.M.R. 1/2 lodged with the Central Plan Office except any land reserved as a national park or declared or deemed to be reserved for any purpose under the **Crown Land (Reserves) Act 1978** or any other Act which reserves Crown land and any land proclaimed or set aside as a road or any land for which permission to occupy has been given by the Crown or a licence or lease under the **Land Act 1958** is in force also excepting any land seawards of low water mark forming part of the park described in Part 12 of Schedule Seven.

Section 19F.

Sch. 4
(Heading)
inserted by
No. 10166
s. 20.

Sch. 4 Pt 1
inserted by
GG 23.4.86
p. 1049,
amended by
GG 1.4.93
p. 760,
Nos 57/1995
s. 44, 46/1998
s. 7(Sch. 1),
40/2002
s. 23(1)(a)(b).

Sch. 4 Pt 2
inserted by
GG 23.4.86
p. 1050,
amended by
GG 1.4.93
p. 760,
Nos 46/1998
s. 7(Sch. 1),
40/2002
s. 23(2)(a)(b).

National Parks Act 1975
Act No. 8702/1975

Sch. 4

Section of the Act under which land is managed

19B.

Date of Appointment of Director to Manage Land

18 March 1986, Gazette 26 March 1986.

Provisions of the Act to apply to the land

Sections 1 to 6 inclusive, 9 to 27 inclusive, 33(3), 36 to 39 inclusive and 40 to 48 inclusive.

Application of the Regulations to the land

Park Regulations 1992.

Sch. 4 Pt 3
inserted by
GG 23.4.86
p. 1050,
amended by
GG 1.4.93
p. 760,
Nos 46/1998
s. 7(Sch. 1),
40/2002
s. 23(3).

PART 3—SHALLOW INLET MARINE AND COASTAL PARK

Description

Crown land temporarily reserved for the conservation of areas of natural interest or beauty or scientific history or archaeological interest and areas for public recreation and shown coloured blue on plan N.P.M.R. 1/2 lodged in the Central Plan Office except any land reserved as a national park or declared or deemed to be reserved for any purpose under the **Crown Land (Reserves) Act 1978** and any land proclaimed or set aside as a road or any land for which permission to occupy has been given by the Crown or a licence or lease under the **Land Act 1958** is in force by Orders in Council of 18 March 1986 (see Government Gazette dated 26 March 1986).

Section of the Act under which land is managed

19B.

Date of Appointment of Director to Manage Land

18 March 1986, Gazette 26 March 1986.

Provisions of the Act to apply to the land

Sections 1 to 6 inclusive, 9 to 27 inclusive, 33(3), 35 to 39 inclusive and 40 to 48 inclusive.

Application of the Regulations to the land

Park Regulations 1992.

National Parks Act 1975
Act No. 8702/1975

Sch. 4

PART 4—CORNER INLET MARINE AND COASTAL PARK

Description

Crown land temporarily reserved for the conservation of areas of natural interest or beauty or scientific history or archaeological interest and areas for public recreation and shown coloured green on plan N.P.M.R. 1/2 lodged in the Central Plan Office except any land reserved as a national park or declared or deemed to be reserved for any purpose under the **Crown Land (Reserves) Act 1978** and any land proclaimed or set aside as a road or any land for which permission to occupy has been given by the Crown or a licence or lease under the **Land Act 1958** is in force by Orders in Council of 18 March 1986 (see Government Gazette dated 26 March 1986) also excepting any land seawards of low water mark forming part of the park described in Part 4 of Schedule Seven.

Section of the Act under which land is managed

19B.

Date of Appointment of Director to Manage Land

18 March 1986, Gazette 26 March 1986.

Provisions of the Act to apply to the land

Sections 1 to 6 inclusive, 9 to 29 inclusive, 33(3), 35 to 39 inclusive and 40 to 48 inclusive.

Application of the Regulations to the land

Park Regulations 1992.

Sch. 4 Pt 4
inserted by
GG 23.4.86
p. 1050,
amended by
GG 1.4.93
p. 760,
Nos 46/1998
s. 7(Sch. 1),
40/2002
s. 23(4)(a)(b).

PART 5—NOORAMUNGA MARINE AND COASTAL PARK

Description

Crown land temporarily reserved—

- (a) for conservation of areas of natural interest or beauty or scientific history or archaeological interest and areas for public recreation and shown coloured orange, on plan N.P.M.R. 1/2 lodged in the Central Plan Office in the Department of Natural Resources and Environment except any land reserved as a national park or declared or deemed to be reserved for any purpose under the **Crown Land (Reserves) Act 1978** and any land proclaimed or set aside as a road or any land for which permission to occupy has been given by the Crown or a licence or lease under the **Land Act 1958** is in force by Orders in Council of 18 March 1986 (see Government Gazette dated 26 March 1986) and the land shown by hatching on Plan NPMRIA lodged in the Central Plan Office of the Department of Natural Resources and Environment; and

Sch. 4 Pt 5
inserted by
GG 23.4.86
p. 1051,
amended by
GGs 1.4.93
p. 760, 27.6.96
p. 1630,
No. 40/2002
s. 23(5).

National Parks Act 1975
Act No. 8702/1975

Sch. 4

- (b) for the conservation of an area of natural interest or beauty being allotment 5A, Parish of St. Margaret and allotments 17A4, 52A, 52B and part allotment 20B6, Parish of Balloong, formerly contained in Freehold Certificates of Title Volume 5825 Folio 853, Volume 8753 Folio 466, Volume 4226 Folio 95 and Volume 6293 Folio 555.

Section of the Act under which land is managed

19B.

Date of Appointment of Director to Manage Land

18 March 1986, Gazette 26 March 1986.

Provisions of the Act to apply to the land

Sections 1 to 6 inclusive, 9 to 27 inclusive, 33(3), 35 to 39 inclusive and 40 to 48 inclusive.

Application of the Regulations to the land

Park Regulations 1992.

Sch. 4 Pt 6
inserted by
GG 20.7.88
p. 2166,
amended by
GG 1.4.93
p. 760,
No. 50/2002
s. 15(1)(b)-(e).

**PART 6— DEEP LEAD NATURE CONSERVATION RESERVE
(NO. 1)**

Description

Crown Land temporarily reserved for the preservation of species of native plants 1120 hectares, more or less, to a depth of 100 metres below the land surface being Crown Allotments 214H, 214J, and 214K in the Parish of Illawarra by Order in Council dated 24 November 1987 and section 33 of the **Crown Land (Reserves) Act 1978** (see Government Gazette, dated 2 December 1987 and section 33 of the **Crown Land (Reserves) Act 1978**).

Section of the Act under which land is managed

19B.

Date of Appointment of Director to Manage Land

19 July, 1988—(Gazette 20 July 1988).

Provision of Act to apply to the Land

Sections 3, 4(b) and (c), 6, 11, 14, 15, 16, 16A, 18, 19, 19B, 19F, 20, 21, 22, 23, 24, 26A, 27, 33, 35, 36, 37, 38, 39, 40, 41, 43, 44, 45, 46, 47, 47A, 47B, 47C and 48.

Application of Regulations to the Land

Park Regulations 1992.

National Parks Act 1975
Act No. 8702/1975

Sch. 4

PART 7—BUNURONG MARINE PARK

Description

An area of 1660 hectares, more or less, comprising Crown Allotment 56B, Parish of Wonthaggi permanently reserved for the protection of the coastline and shown bordered blue on plan marked N.P.M.R. 2/1 lodged in the Central Plan Office together with the land being Crown Allotment 60F, Parish of Kirrak and Crown Allotment 56C, Parish of Wonthaggi temporarily reserved for the preservation of an area of ecological significance, conservation of an area of natural interest or beauty or of scientific historic or archaeological interest and for public recreation and shown bordered red on the said plan excepting any land between high water mark and 1000 metres seawards of high water mark forming part of the park described in Part 1 of Schedule Seven.

Section of the Act under which land is managed

19B.

Date of Appointment of Director to Manage Land

17 December 1991.

Provisions of Act to apply to the land

Sections 1 to 6 inclusive, 9 to 27 inclusive, 33(3), 35 to 48 inclusive.

Application of the Regulations to the land

Park Regulations 1992.

Sch. 4 Pt 7
inserted by
GG 18.12.91
p. 3537,
amended by
GG 1.4.93
p. 760,
No. 40/2002
s. 23(6)(a)(b).

**PART 8—CASTLEMAINE DIGGINGS NATIONAL HERITAGE
PARK**

Description

Crown land permanently reserved under section 31 of the **Crown Land (Reserves) Act 1978** for the purposes of the protection of cultural and natural heritage.

Section of Act under which land is managed

19B.

Date of appointment of Secretary to manage the land

The date on which section 17 of the **National Parks (Box-Ironbark and Other Parks) Act 2002** comes into operation.

Sch. 4 Pt 8
inserted by
No. 50/2002
s. 15(2).

National Parks Act 1975
Act No. 8702/1975

Sch. 4

Provisions of Act that apply to the land

Sections 3, 4(b) and (c), 6, 11, 14, 15, 16, 16A, 18, 19, 19B, 19F, 20, 21, 22, 23, 24, 26A, 27, 32D, 33, 35, 36, 37, 38, 39, 41, 43, 44, 45, 46, 47, 47A, 47B, 47C and 48.

Application of Regulations to the land

Park Regulations 1992.

Note: The description of this land is as follows—

All those pieces and parcels of land containing 7 500 hectares, more or less, situate in the Township of Fryerstown and the Parishes of Castlemaine, Chewton, Faraday, Fryers, Holcombe and Yandoit, County of Talbot, being the land delineated and coloured pink or coloured green or coloured yellow in plans lodged in the Central Plan Office of the Department of Natural Resources and Environment and numbered N.P. 109A, N.P. 109B and N.P. 109C to the extent that that land is at or above a depth of 100 metres below the land surface.

National Parks Act 1975
Act No. 8702/1975

Sch. 5

SCHEDULE FIVE

WILDERNESS ZONES

PART 1—SUNSET WILDERNESS ZONE

All those pieces or parcels of land, containing 1269 square kilometres more or less, situate in the Murray-Sunset National Park, being the land shown by diagonal hatching and delineated on the plan lodged in the Central Plan Office and numbered N.P.W.Z.1

Section 22.
Sch. 5
inserted by
No. 40/1992
s. 12.

Sch. 5 Pt 1
inserted by
No. 40/1992
s. 12,
amended by
No. 46/1998
s. 7(Sch. 1).

PART 2—MINOOK WILDERNESS ZONE

All those pieces or parcels of land, containing 387 square kilometres more or less, situate in the Murray-Sunset National Park, being the land shown by diagonal hatching and delineated on the plan lodged in the Central Plan Office and numbered N.P.W.Z.2

Sch. 5 Pt 2
inserted by
No. 40/1992
s. 12,
amended by
No. 46/1998
s. 7(Sch. 1).

PART 3—GALPUNGA WILDERNESS ZONE

All those pieces or parcels of land, containing 357 square kilometres more or less, situate in the Murray-Sunset National Park, being the land shown by diagonal hatching and delineated on the plan lodged in the Central Plan Office and numbered N.P.W.Z.3

Sch. 5 Pt 3
inserted by
No. 40/1992
s. 12,
amended by
No. 46/1998
s. 7(Sch. 1).

PART 4—MOUNT COWRA WILDERNESS ZONE

All those pieces or parcels of land, containing 235 square kilometres more or less, situate in the Murray-Sunset National Park, being the land shown by diagonal hatching and delineated on the plan lodged in the Central Plan Office and numbered N.P.W.Z.4

Sch. 5 Pt 4
inserted by
No. 40/1992
s. 12,
amended by
No. 46/1998
s. 7(Sch. 1).

PART 5—NORTH WYPERFELD WILDERNESS ZONE

All those pieces or parcels of land, containing 979 square kilometres more or less, situate in the Wyperfeld National Park, being the land shown by diagonal hatching and delineated on plan lodged in the Central Plan Office and numbered N.P.W.Z.5

Sch. 5 Pt 5
inserted by
No. 40/1992
s. 12,
amended by
No. 46/1998
s. 7(Sch. 1).

National Parks Act 1975
Act No. 8702/1975

Sch. 5

Sch. 5 Pt 6
inserted by
No. 40/1992
s. 12,
amended by
No. 46/1998
s. 7(Sch. 1).

PART 6—SOUTH WYPERFELD WILDERNESS ZONE

All those pieces or parcels of land, containing 613 square kilometres more or less, situate in the Wyperfeld National Park, being the land shown by diagonal hatching and delineated on plan lodged in the Central Plan Office and numbered N.P.W.Z.6

Sch. 5 Pt 7
inserted by
No. 40/1992
s. 12,
amended by
No. 46/1998
s. 7(Sch. 1).

PART 7—CHINAMAN FLAT WILDERNESS ZONE

All those pieces or parcels of land, containing 298 square kilometres more or less, situate in the Wyperfeld National Park, being the land shown by diagonal hatching and delineated on plan lodged in the Central Plan Office and numbered N.P.W.Z.7

Sch. 5 Pt 8
inserted by
No. 40/1992
s. 12,
amended by
No. 46/1998
s. 7(Sch. 1).

PART 8—MOUNT DARLING—SNOWY BLUFF WILDERNESS ZONE

All those pieces or parcels of land, containing 404 square kilometres more or less, situate in the Alpine National Park, being the land shown by diagonal hatching and delineated on plan lodged in the Central Plan Office and numbered N.P.W.Z.8

Sch. 5 Pt 9
inserted by
No. 40/1992
s. 12,
amended by
No. 46/1998
s. 7(Sch. 1).

PART 9—RAZOR—VIKING WILDERNESS ZONE

All those pieces or parcels of land, containing 157 square kilometres more or less, situate in the Alpine National Park, being the land shown by diagonal hatching and delineated on plan lodged in the Central Plan Office and numbered N.P.W.Z.9

Sch. 5 Pt 11
inserted by
No. 40/1992
s. 12,
amended by
No. 46/1998
s. 7(Sch. 1).

PART 11—INDI WILDERNESS ZONE

All those pieces or parcels of land, containing 138 square kilometres more or less, situate in the Alpine National Park, being the land shown by diagonal hatching and delineated on plan lodged in the Central Plan Office and numbered N.P.W.Z.11

Sch. 5 Pt 12
inserted by
No. 40/1992
s. 12,
amended by
No. 46/1998
s. 7(Sch. 1).

PART 12—COBBERAS WILDERNESS ZONE

All those pieces or parcels of land, containing 100 square kilometres more or less, situate in the Alpine National Park, being the land shown by diagonal hatching and delineated on plan lodged in the Central Plan Office and numbered N.P.W.Z.12

National Parks Act 1975
Act No. 8702/1975

Sch. 5

PART 13—BUCHAN HEADWATERS WILDERNESS ZONE

All those pieces or parcels of land, containing 300 square kilometres more or less, situate in the Alpine National Park, being the land shown by diagonal hatching and delineated on plan lodged in the Central Plan Office and numbered N.P.W.Z.13

Sch. 5 Pt 13
inserted by
No. 40/1992
s. 12,
amended by
No. 46/1998
s. 7(Sch. 1).

PART 14—TINGARINGY WILDERNESS ZONE

All those pieces or parcels of land, containing 7900 hectares more or less, situate in the Alpine National Park, being the land shown by diagonal hatching and delineated on plan lodged in the Central Plan Office and numbered N.P.W.Z.14

Sch. 5 Pt 14
inserted by
No. 40/1992
s. 12,
amended by
No. 46/1998
s. 7(Sch. 1).

PART 15—SNOWY RIVER WILDERNESS ZONE

All those pieces or parcels of land, containing 270 square kilometres more or less, situate in the Snowy River National Park, being the land shown by diagonal hatching and delineated on plan lodged in the Central Plan Office and numbered N.P.W.Z.15

Sch. 5 Pt 15
inserted by
No. 40/1992
s. 12,
amended by
No. 46/1998
s. 7(Sch. 1).

PART 16—BOWEN WILDERNESS ZONE

All those pieces or parcels of land, containing 175 square kilometres more or less, situate in the Snowy River National Park, being the land shown by diagonal hatching and delineated on plan lodged in the Central Plan Office and numbered N.P.W.Z.16

Sch. 5 Pt 16
inserted by
No. 40/1992
s. 12,
amended by
No. 46/1998
s. 7(Sch. 1).

PART 17—GENOA WILDERNESS ZONE

All those pieces or parcels of land, containing 194 square kilometres more or less, situate in the Coopracambra National Park, being the land shown by diagonal hatching and delineated on plan lodged in the Central Plan Office and numbered N.P.W.Z.17

Sch. 5 Pt 17
inserted by
No. 40/1992
s. 12,
amended by
No. 46/1998
s. 7(Sch. 1).

PART 18—SANDPATCH WILDERNESS ZONE

All those pieces or parcels of land, containing 156 square kilometres more or less, situate in the Croajingolong National Park, being the land shown by diagonal hatching and delineated on plan lodged in the Central Plan Office and numbered N.P.W.Z.18

Sch. 5 Pt 18
inserted by
No. 40/1992
s. 12,
amended by
No. 46/1998
s. 7(Sch. 1).

National Parks Act 1975
Act No. 8702/1975

Sch. 5

PART 19—CAPE HOWE WILDERNESS ZONE

Sch. 5 Pt 19
 inserted by
 No. 40/1992
 s. 12,
 amended by
 No. 46/1998
 s. 7(Sch. 1).

All those pieces or parcels of land, containing 7100 hectares more or less, situate in the Croajingolong National Park, being the land shown by diagonal hatching and delineated on plan lodged in the Central Plan Office and numbered N.P.W.Z.19

PART 20—WILSONS PROMONTORY WILDERNESS ZONE

Sch. 5 Pt 20
 inserted by
 No. 40/1992
 s. 12,
 amended by
 No. 46/1998
 s. 7(Sch. 1).

All those pieces or parcels of land, containing 218 square kilometres more or less, situate in the Wilson's Promontory National Park, being the land shown by diagonal hatching and delineated on plan lodged in the Central Plan Office and numbered N.P.W.Z.20

National Parks Act 1975
Act No. 8702/1975

Sch. 6

SCHEDULE SIX

REMOTE AND NATURAL AREAS

PART 1—SOUTH SUNSET AREA

All those pieces or parcels of land, containing 240 square kilometres, more or less, situate in the Murray-Sunset National Park, being the land shown by diagonal hatching and delineated on a plan, lodged in the Central Plan Office and numbered N.P.R.N.A.1.

Section 21B.

Sch. 6
inserted by
No. 40/1992
s. 15.

Sch. 6 Pt 1
inserted by
No. 40/1992
s. 15,
amended by
No. 46/1998
s. 7(Sch. 1).

PART 2—HOPPING MOUSE HILL AREA

All those pieces or parcels of land, containing 321 square kilometres, more or less, situate in the Wyperfeld National Park, being the land shown by diagonal hatching and delineated on a plan, lodged in the Central Plan Office and numbered N.P.R.N.A.2.

Sch. 6 Pt 2
inserted by
No. 40/1992
s. 15,
amended by
No. 46/1998
s. 7(Sch. 1).

PART 3—LITTLE DESERT AREA

All those pieces or parcels of land, containing 164 square kilometres, more or less, situate in the Little Desert National Park, being the land shown by diagonal hatching and delineated on a plan, lodged in the Central Plan Office and numbered N.P.R.N.A.3.

Sch. 6 Pt 3
inserted by
No. 40/1992
s. 15,
amended by
No. 46/1998
s. 7(Sch. 1).

PART 4—VICTORIA RANGE AREA

All those pieces or parcels of land, containing 140 square kilometres, more or less, situate in the Grampians National Park, being the land shown by diagonal hatching and delineated on a plan, lodged in the Central Plan Office and numbered N.P.R.N.A.4.

Sch. 6 Pt 4
inserted by
No. 40/1992
s. 15,
amended by
No. 46/1998
s. 7(Sch. 1).

PART 5—SERRA RANGE AREA

All those pieces or parcels of land, containing 112 square kilometres, more or less, situate in the Grampians National Park, being the land shown by diagonal hatching and delineated on a plan, lodged in the Central Plan Office and numbered N.P.R.N.A.5.

Sch. 6 Pt 5
inserted by
No. 40/1992
s. 15,
amended by
No. 46/1998
s. 7(Sch. 1).

National Parks Act 1975
Act No. 8702/1975

Sch. 6

Sch. 6 Pt 6
inserted by
No. 40/1992
s. 15,
amended by
No. 46/1998
s. 7(Sch. 1).

PART 6—MAJOR MITCHELL PLATEAU AREA

All those pieces or parcels of land, containing 6900 hectares, more or less, situate in the Grampians National Park, being the land shown by diagonal hatching and delineated on a plan, lodged in the Central Plan Office and numbered N.P.R.N.A.6.

Sch. 6 Pt 7
inserted by
No. 40/1992
s. 15,
amended by
No. 46/1998
s. 7(Sch. 1).

PART 7—BAW BAW PLATEAU AREA

All those pieces or parcels of land, containing 6500 hectares, more or less, situate in the Baw Baw National Park, being the land shown by diagonal hatching and delineated on a plan, lodged in the Central Plan Office and numbered N.P.R.N.A.7.

Sch. 6 Pt 8
inserted by
No. 40/1992
s. 15,
amended by
No. 46/1998
s. 7(Sch. 1).

PART 8—THE GOVERNORS AREA

All those pieces or parcels of land, containing 8100 hectares, more or less, situate in the Alpine National Park, being the land shown by diagonal hatching and delineated on a plan, lodged in the Central Plan Office and numbered N.P.R.N.A.8.

Sch. 6 Pt 9
inserted by
No. 40/1992
s. 15,
amended by
No. 46/1998
s. 7(Sch. 1).

PART 9—MACALISTER AREA

All those pieces or parcels of land, containing 333 square kilometres, more or less, situate in the Alpine National Park, being the land shown by diagonal hatching and delineated on a plan, lodged in the Central Plan Office and numbered N.P.R.N.A.9.

Sch. 6 Pt 10
inserted by
No. 40/1992
s. 15,
amended by
No. 46/1998
s. 7(Sch. 1).

PART 10—DANDONGADALE AREA

All those pieces or parcels of land, containing 3700 hectares, more or less, situate in the Alpine National Park, being the land shown by diagonal hatching and delineated on a plan, lodged in the Central Plan Office and numbered N.P.R.N.A.10.

Sch. 6 Pt 11
inserted by
No. 40/1992
s. 15,
amended by
No. 46/1998
s. 7(Sch. 1).

PART 11—BUNDARA-COBUNGRA AREA

All those pieces or parcels of land, containing 137 square kilometres more or less, situate in the Alpine National Park, being the land shown by diagonal hatching and delineated on a plan, lodged in the Central Plan Office and numbered N.P.R.N.A.11.

National Parks Act 1975
Act No. 8702/1975

Sch. 6

PART 12—BOGONG AREA

All those pieces or parcels of land, containing 163 square kilometres more or less, situate in the Alpine National Park, being the land shown by diagonal hatching and delineated on a plan, lodged in the Central Plan Office and numbered N.P.R.N.A.12.

Sch. 6 Pt 12
inserted by
No. 40/1992
s. 15,
amended by
No. 46/1998
s. 7(Sch. 1).

PART 13—DAVIES PLAIN AREA

All those pieces or parcels of land, containing 105 square kilometres more or less, situate in the Alpine National Park, being the land shown by diagonal hatching and delineated on a plan, lodged in the Central Plan Office and numbered N.P.R.N.A.13.

Sch. 6 Pt 13
inserted by
No. 40/1992
s. 15,
amended by
No. 46/1998
s. 7(Sch. 1).

PART 14—SUGGAN BUGGAN AREA

All those pieces or parcels of land, containing 178 square kilometres more or less, situate in the Alpine National Park, being the land shown by diagonal hatching and delineated on a plan, lodged in the Central Plan Office and numbered N.P.R.N.A.14.

Sch. 6 Pt 14
inserted by
No. 40/1992
s. 15,
amended by
No. 46/1998
s. 7(Sch. 1).

PART 15—UPPER SNOWY AREA

All those pieces or parcels of land, containing 118 square kilometres more or less, situate in the Alpine National Park, being the land shown by diagonal hatching and delineated on a plan, lodged in the Central Plan Office and numbered N.P.R.N.A.15.

Sch. 6 Pt 15
inserted by
No. 40/1992
s. 15,
amended by
No. 46/1998
s. 7(Sch. 1).

PART 16—NORTH BUFFALO AREA

All those pieces or parcels of land, containing 6500 hectares, more or less, situate in the Mount Buffalo National Park, being the land shown by diagonal hatching and delineated on a plan, lodged in the Central Plan Office and numbered N.P.R.N.A.16.

Sch. 6 Pt 16
inserted by
No. 40/1992
s. 15,
amended by
No. 46/1998
s. 7(Sch. 1).

PART 17—MOUNT BURROWA AREA

All those pieces or parcels of land, containing 6500 hectares more or less, situate in the Burrowa-Pine Mountain National Park, being the land shown by diagonal hatching and delineated on a plan, lodged in the Central Plan Office and numbered N.P.R.N.A.17.

Sch. 6 Pt 17
inserted by
No. 40/1992
s. 15,
amended by
Nos 46/1998
s. 7(Sch. 1),
70/1998
s. 12(5).

National Parks Act 1975
Act No. 8702/1975

Sch. 6

Sch. 6 Pt 18
inserted by
No. 40/1992
s. 15,
amended by
No. 46/1998
s. 7(Sch. 1).

PART 18—BRODRIBB AREA

All those pieces or parcels of land, containing 7700 hectares more or less, situate in the Errinundra National Park, being the land shown by diagonal hatching and delineated on a plan, lodged in the Central Plan Office and numbered N.P.R.N.A.18.

Sch. 6 Pt 19
inserted by
No. 40/1992
s. 15,
amended by
No. 46/1998
s. 7(Sch. 1).

PART 19—MOUNT KAYE AREA

All those pieces or parcels of land, containing 8100 hectares more or less, situate in the Coopracambra National Park, being the land shown by diagonal hatching and delineated on a plan, lodged in the Central Plan Office and numbered N.P.R.N.A.19.

Sch. 6 Pt 20
inserted by
No. 40/1992
s. 15,
amended by
No. 46/1998
s. 7(Sch. 1).

PART 20—RAME HEAD AREA

All those pieces or parcels of land, containing 9800 hectares more or less, situate in the Croajingolong National Park, being the land shown by diagonal hatching and delineated on a plan, lodged in the Central Plan Office and numbered N.P.R.N.A.20.

Sch. 6 Pt 21
inserted by
No. 40/1992
s. 15,
amended by
No. 50/2002
s. 16(1).

PART 21—WILSONS PROMONTORY ISLANDS AREA

An area situate in the Wilsons Promontory National Park, comprising the islands listed below and the land between high and low watermark adjacent to them—

Shellback island
Norman island
Great Glennie island
Dannevig island
Citadel island
McHugh island
Answer island
Kanowna island
Cleft island
Wattle island
Rabbit island
Rabbit Rock.

Sch. 6 Pt 22
inserted by
No. 50/2002
s. 16(2).

PART 22—SOUTHERN WILSONS PROMONTORY AREA

All those pieces and parcels of land, containing 144 square kilometres more or less, situate in the Wilsons Promontory National Park, being the land shown bordered red on a plan lodged in the Central Plan Office and numbered N.P.R.N.A. 21.

National Parks Act 1975
Act No. 8702/1975

Sch. 7

SCHEDULE SEVEN

MARINE NATIONAL PARKS

Sch. 7
inserted by
No. 40/2002
s. 24 (Sch. 1).

PART 1—BUNURONG MARINE NATIONAL PARK

The land comprising 2100 hectares, more or less, delineated and shown shaded on the plan numbered M.N.P. 1 lodged in the Central Plan Office and which is at or above a depth of 200 metres below the land surface (whether or not that is covered by water).

PART 2—CAPE HOWE MARINE NATIONAL PARK

The land comprising 4050 hectares, more or less, delineated and shown shaded on the plan numbered M.N.P. 13/1 lodged in the Central Plan Office and which is at or above a depth of 200 metres below the land surface (whether or not that is covered by water).

Sch. 7 Pt 2
amended by
No. 97/2003
s. 10(1).

PART 3—CHURCHILL ISLAND MARINE NATIONAL PARK

The land comprising 670 hectares, more or less, delineated and shown shaded on the plan numbered M.N.P. 2 lodged in the Central Plan Office and which is at or above a depth of 200 metres below the land surface (whether or not that is covered by water).

PART 4—CORNER INLET MARINE NATIONAL PARK

The land comprising 1550 hectares, more or less, delineated and shown shaded on the plan numbered M.N.P. 3/2 lodged in the Central Plan Office and which is at or above a depth of 200 metres below the land surface (whether or not that is covered by water).

Sch. 7 Pt 4
amended by
No. 97/2003
s. 10(2).

PART 5—DISCOVERY BAY MARINE NATIONAL PARK

The land comprising 2770 hectares, more or less, delineated and shown shaded on the plan numbered M.N.P. 4/2 lodged in the Central Plan Office and which is at or above a depth of 200 metres below the land surface (whether or not that is covered by water).

National Parks Act 1975
Act No. 8702/1975

Sch. 7

PART 6—FRENCH ISLAND MARINE NATIONAL PARK

The land comprising 2800 hectares, more or less, delineated and shown shaded on the plan numbered M.N.P. 5 lodged in the Central Plan Office and which is at or above a depth of 200 metres below the land surface (whether or not that is covered by water).

PART 7—NINETY MILE BEACH MARINE NATIONAL PARK

The land comprising 2750 hectares, more or less, delineated and shown shaded on the plan numbered M.N.P. 6 lodged in the Central Plan Office and which is at or above a depth of 200 metres below the land surface (whether or not that is covered by water).

PART 8—POINT ADDIS MARINE NATIONAL PARK

The land comprising 4600 hectares, more or less, delineated and shown shaded on the plan numbered M.N.P. 7/1 lodged in the Central Plan Office and which is at or above a depth of 200 metres below the land surface (whether or not that is covered by water).

PART 9—POINT HICKS MARINE NATIONAL PARK

The land comprising 4000 hectares, more or less, delineated and shown shaded on the plan numbered M.N.P. 8 lodged in the Central Plan Office and which is at or above a depth of 200 metres below the land surface (whether or not that is covered by water).

PART 10—PORT PHILLIP HEADS MARINE NATIONAL PARK

The land comprising 3580 hectares, more or less, delineated and shown shaded on the plan numbered M.N.P. 9/1 lodged in the Central Plan Office and which is at or above a depth of 200 metres below the land surface (whether or not that is covered by water).

PART 11—TWELVE APOSTLES MARINE NATIONAL PARK

The land comprising 7500 hectares, more or less, delineated and shown shaded on the plan numbered M.N.P. 10/2 lodged in the Central Plan Office and which is at or above a depth of 200 metres below the land surface (whether or not that is covered by water).

Sch. 7 Pt 8
amended by
No. 97/2003
s. 10(3).

Sch. 7 Pt 11
amended by
No. 97/2003
s. 10(4).

National Parks Act 1975
Act No. 8702/1975

Sch. 7

PART 12—WILSONS PROMONTORY MARINE NATIONAL PARK

The land comprising 15 550 hectares, more or less, delineated and shown shaded on the plan numbered M.N.P. 11 lodged in the Central Plan Office and which is at or above a depth of 200 metres below the land surface (whether or not that is covered by water).

PART 13—YARINGA MARINE NATIONAL PARK

The land comprising 980 hectares, more or less, delineated and shown shaded on the plan numbered M.N.P. 12 lodged in the Central Plan Office and which is at or above a depth of 200 metres below the land surface (whether or not that is covered by water).

National Parks Act 1975
Act No. 8702/1975

Sch. 8

Sch. 8
inserted by
No. 40/2002
s. 24 (Sch. 1).

SCHEDULE EIGHT

MARINE SANCTUARIES

PART 1—BARWON BLUFF MARINE SANCTUARY

The land comprising 17 hectares, more or less, delineated and shown shaded on the plan numbered M.S. 1 lodged in the Central Plan Office.

PART 2—BEWARE REEF MARINE SANCTUARY

The area containing 220 hectares, more or less, delineated and shown shaded on the plan numbered M.S. 2 lodged in the Central Plan Office.

PART 3—EAGLE ROCK MARINE SANCTUARY

The land comprising 17 hectares, more or less, delineated and shown shaded on the plan numbered M.S. 3 lodged in the Central Plan Office.

PART 4—JAWBONE MARINE SANCTUARY

The land comprising 30 hectares, more or less, delineated and shown shaded on the plan numbered M.S. 4 lodged in the Central Plan Office.

PART 5—MARENGO REEFS MARINE SANCTUARY

The land comprising 12 hectares, more or less, delineated and shown shaded on the plan numbered M.S. 5 lodged in the Central Plan Office.

PART 6—MERRI MARINE SANCTUARY

The land comprising 25 hectares, more or less, delineated and shown shaded on the plan numbered M.S. 6/1 lodged in the Central Plan Office.

PART 7—MUSHROOM REEF MARINE SANCTUARY

The land comprising 80 hectares, more or less, delineated and shown shaded on the plan numbered M.S. 7 lodged in the Central Plan Office.

PART 8—POINT COOKE MARINE SANCTUARY

The land comprising 290 hectares, more or less, delineated and shown shaded on the plan numbered M.S. 8 lodged in the Central Plan Office.

National Parks Act 1975
Act No. 8702/1975

Sch. 8

PART 9—POINT DANGER MARINE SANCTUARY

The land comprising 25 hectares, more or less, delineated and shown shaded on the plan numbered M.S. 9 lodged in the Central Plan Office.

PART 10—RICKETTS POINT MARINE SANCTUARY

The land comprising 115 hectares, more or less, delineated and shown shaded on the plan numbered M.S. 11 lodged in the Central Plan Office.

PART 11—THE ARCHES MARINE SANCTUARY

The land comprising 45 hectares, more or less, delineated and shown shaded on the plan numbered M.S. 10 lodged in the Central Plan Office.

National Parks Act 1975
Act No. 8702/1975

Endnotes

ENDNOTES

1. General Information

The **National Parks Act 1975** was assented to on 16 May 1975 and came into operation on 1 December 1975: Government Gazette 26 November 1975 page 3888.

National Parks Act 1975
Act No. 8702/1975

Endnotes

2. Table of Amendments

This Version incorporates amendments made to the **National Parks Act 1975** by Acts and subordinate instruments.

National Parks (Amendment) Act 1978, No. 9114/1978

Assent Date: 16.5.78
Commencement Date: 16.5.78
Current State: All of Act in operation

Crown Land (Reserves) Act 1978, No. 9212/1978

Assent Date: 19.12.78
Commencement Date: 1.3.79: Government Gazette 21.2.79 p. 441
Current State: All of Act in operation

National Parks Act 1978, No. 9247/1978

Assent Date: 19.12.78
Commencement Date: 26.4.79: subject to s. 3(3)
Current State: All of Act in operation

Statute Law Revision Act 1980, No. 9427/1980

Assent Date: 27.5.80
Commencement Date: 27.5.80: subject to s. 6(2)
Current State: All of Act in operation

National Parks (Amendment) Act 1981, No. 9570/1981 (as amended by Nos 9902/1983, 24/1988)

Assent Date: 19.5.81
Commencement Date: S. 3(8) on 25.4.80: s. 2(6); rest of Act (*except* ss 3(3)–(7), 7, 13) on 19.5.81: s. 2(1); s. 3(3) on 1.7.81: s. 2(2); s. 3(7) on 1.7.82: s. 2(5); s. 3(4) on 24.6.87: Government Gazette 24.6.87 p. 1694; s. 3(5) on 19.4.89: Government Gazette 19.4.89 p. 870
Current State: All of Act in operation

Public Account (Trust Funds) Act 1982, No. 9861/1982

Assent Date: 5.1.83
Commencement Date: 12.1.83: Government Gazette 12.1.83 p. 81
Current State: All of Act in operation

Statute Law Revision (Repeals) Act 1982, No. 9863/1982

Assent Date: 5.1.83
Commencement Date: 5.1.83
Current State: All of Act in operation

Statute Law Revision Act 1983, No. 9902/1983

Assent Date: 15.6.83
Commencement Date: 15.6.83: subject to s. 2(2)
Current State: All of Act in operation

National Parks Act 1975
Act No. 8702/1975

Endnotes

Transport Act 1983, No. 9921/1983

Assent Date: 23.6.83
Commencement Date: S. 255 on 1.7.83: s. 1(2)(c)
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Mines (Amendment) Act 1983, No. 9936/1983

Assent Date: 5.7.83
Commencement Date: 30.10.83: Government Gazette 5.10.83 p. 3293
Current State: All of Act in operation

National Parks (Amendment) Act 1984, No. 10073/1984 (as amended by Nos 38/1989, 10166 s.21)

Assent Date: 15.5.84
Commencement Date: Ss 4(1)(2)(10)–(13), 5–16 on 15.5.84: s. 3(1); s. 4(3) on 1.7.84: s. 3(2); s. 4(5) on 17.11.85: Government Gazette 13.11.85 p. 4267; s. 4(7)(8) on 7.1.86: Government Gazette 11.12.85 p. 4544; s. 4(4) on 26.2.86: Government Gazette 26.2.86 p. 452; s. 4(6) on 24.6.87: Government Gazette 24.6.87 p. 1694; s. 4(9) never proclaimed, repealed by No. 38/1989
Current State: All of Act in operation

National Parks (Further Amendment) Act 1984, No. 10166/1984

Assent Date: 20.11.84
Commencement Date: All of Act (*except* ss 4(2)(4)(5), 16) on 18.12.84: s. 2(1); s. 4(5) on 11.12.85: Government Gazette 4.12.85 p. 4459; ss 4(4), 16 on 2.5.86: Government Gazette 30.4.86 p. 1115; s. 4(2) on 28.10.87: Government Gazette 28.10.87 p. 2925
Current State: All of Act in operation

National Parks (Amendment) Act 1986, No. 44/1986

Assent Date: 20.5.86
Commencement Date: Ss 1–3, 4(1)(2)(7)–(9), 5–10, 12 on 17.6.86: s. 2(1); ss 4(3)(4), 11 on 26.6.86: Government Gazette 25.6.86 p. 2178; s. 4(6) on 24.6.87: Government Gazette 24.6.87 p. 1694; s. 4(5) on 27.11.87: Government Gazette 18.11.87 p. 3138
Current State: All of Act in operation

National Parks (Amendment) Act 1987, No. 7/1987

Assent Date: 28.4.87
Commencement Date: Ss 1–3, 4(1)(2)(10)–(14), 6, 8 on 26.5.87: s. 2(1); s. 4(5) on 24.11.87: Government Gazette 18.11.87 p. 3138; s. 4(7) on 17.12.87: Government Gazette 2.12.87 p. 3309; ss 4(9), 5(1)(2) on 17.12.87: Government Gazette 16.9.87 p. 3459; ss 5(3), 7 on same day as s. 4(9)—17.12.87: s. 2(3); rest of Act on 21.6.88: Special Gazette (No. 52) 21.6.88 p. 1
Current State: All of Act in operation

National Parks Act 1975
Act No. 8702/1975

Endnotes

National Parks (Dandenong Ranges) Act 1987, No. 8/1987

Assent Date: 28.4.87
Commencement Date: 13.12.87: Special Gazette (No. 54) 10.12.87 p. 1
Current State: All of Act in operation

Conservation, Forests and Lands Act 1987, No. 41/1987

Assent Date: 19.5.87
Commencement Date: S. 103(Sch. 4 items 49.1–49.8, 49.10, 49.11) on 1.7.87: Government Gazette 24.6.87 p. 1694; Sch. 4 item 49.9 never proclaimed, repealed by No. 11/1995
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Planning and Environment Act 1987, No. 45/1987

Assent Date: 27.5.87
Commencement Date: Ss 103(Sch. 4 items 49.1–49.11), 116(4) on 16.2.88: Government Gazette 10.2.88 p. 218
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

National Parks and Wildlife (Amendment) Act 1988, No. 7/1988 (as amended by No. 38/1989)

Assent Date: 19.4.88
Commencement Date: S. 4(3) on 25.5.88: Government Gazette 25.5.88 p. 1458; rest of Act (*except* ss 4(1)(4), 6) on 21.6.88: Special Gazette (No. 52) 21.6.88 p. 1; ss 4(1)(4), 6 on 18.9.88: Government Gazette 14.9.88 p. 2764
Current State: All of Act in operation

National Parks (Amendment) Act 1988, No. 24/1988

Assent Date: 17.5.88
Commencement Date: 15.7.88: Government Gazette 13.7.88 p. 2058
Current State: All of Act in operation

State Superannuation Act 1988, No. 50/1988

Assent Date: 24.5.88
Commencement Date: S. 93(3) on 1.7.87: s. 2(1); s. 93(4) on 27.11.87: s. 2(2); Pt 1, Pt 6 Div. 2, s. 91 on 1.1.88: s. 2(3); rest of Act on 1.7.88: Government Gazette 1.6.88 p. 1487
Current State: All of Act in operation

Marine Act 1988, No. 52/1988 (as amended by No. 20/1993)

Assent Date: 31.5.88
Commencement Date: All of Act (*except* s. 159(4)) on 20.12.88: Special Gazette (No. 105) 20.12.88 p. 1; s. 159(4) on 1.7.89: Government Gazette 28.6.89 p. 1558
Current State: All of Act in operation

Local Government (Consequential Provisions) Act 1989, No. 12/1989

Assent Date: 9.5.89
Commencement Date: S. 4(1)(Sch. 2 items 85.1, 85.2) on 1.11.89: Government Gazette 1.11.89 p. 2798
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

National Parks Act 1975
Act No. 8702/1975

Endnotes

National Parks (Alpine National Park) Act 1989, No. 37/1989 (as amended by No. 7/1997)

Assent Date: 6.6.89
Commencement Date: All of Act (*except* s. 11(1)–(5)) on 2.12.89: Government Gazette 29.11.89 p. 3040; s. 11(1) on 31.12.89: s. 2(1); s. 11(2) on 1.7.91: s. 2(2); s. 11(3) on 1.7.93: s. 2(3); s. 11(5) on 1.7.96: s. 2(5); s. 11(4) on 1.7.99: s. 2(4)
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

National Parks (Amendment) Act 1989, No. 38/1989 (as amended by No. 11/1995)

Assent Date: 6.6.89
Commencement Date: S. 27(1) on 17.6.86: s. 2(2); s. 24 on 18.9.88: s. 2(1); ss 1–21, 25, 26, 27(2)(4)(5), 28, 29(6), 30, 32–35 on 23.8.89: Government Gazette 23.8.89 p. 2146; s. 29(4)(5) on 27.10.89: Government Gazette 25.10.89 p. 2698; ss 27(3), 29(1)(2), 31 on 23.9.92: Government Gazette 23.9.92 p. 2787; s. 22 never proclaimed, repealed by No. 11/1995
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Prescribed Weapons Act 1989, No. 39/1989 (as amended by No. 24/1990)

Assent Date: 6.6.89
Commencement Date: 1.9.89: Government Gazette 30.8.89 p. 2210
Current State: All of Act in operation

Transport (Amendment) Act 1989, No. 44/1989

Assent Date: 6.6.89
Commencement Date: S. 39(2) on 16.12.86: s. 2(3); ss 16, 39(3), Sch. 2 items 42.1, 42.11, 42.12 on 6.6.89: s. 2(2); s. 42(1) on 1.11.89: s. 2(4); s. 42(2) on 1.11.89: s. 2(5); s. 42(3) on 11.11.89: s. 2(6); rest of Act on 1.7.89: s. 2(1)
Current State: All of Act in operation

Water (Consequential Amendments) Act 1989, No. 81/1989 (as amended by No. 25/1991)

Assent Date: 5.12.89
Commencement Date: 1.11.90: Government Gazette 15.8.90 p. 2473
Current State: All of Act in operation

National Parks (Further Amendment) Act 1990, No. 43/1990

Assent Date: 13.6.90
Commencement Date: Ss 12, 16(2) on 18.9.88: s. 2(4); s. 16(3)(4) on 2.12.89: s. 2(6); rest of Act (*except* ss 4–10, 13, 14) on 13.6.90: s. 2(7); Pts 2 (ss 4–6), 4 (ss 8–10) on 5.6.91: Government Gazette 29.5.91 p. 1387; ss 7, 13, 14 on 23.9.92: Government Gazette 23.9.92 p. 2788
Current State: All of Act in operation

National Parks Act 1975
Act No. 8702/1975

Endnotes

Mineral Resources Development Act 1990, No. 92/1990 (as amended by No. 27/1991)

Assent Date: 18.12.90
Commencement Date: S. 128(Sch. 1 items 19.1, 19.2) on 6.11.91: Government Gazette 30.10.91 p. 2970
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

National Parks (Miscellaneous Amendments) Act 1991, No. 2/1991

Assent Date: 9.4.91
Commencement Date: 9.4.91
Current State: All of Act in operation

National Parks (Wilderness) Act 1992, No. 40/1992

Assent Date: 23.6.92
Commencement Date: Pts 1 (ss 1–3), 3 (s. 5), 7 (ss 10–12), 9 (ss 16–19) on 23.6.92: s. 2(1); Pts 2 (s. 4), 4–6 (ss 6–9), 8 (ss 13–15) on 30.6.92: Government Gazette 24.6.92 p. 1531
Current State: All of Act in operation

Victorian Tourism Commission (Tourism Victoria) Act 1992, No. 81/1992

Assent Date: 24.11.92
Commencement Date: 24.11.92
Current State: All of Act in operation

Crown Land Acts (Amendment) Act 1993, No. 48/1993

Assent Date: 1.6.93
Commencement Date: 1.6.93
Current State: All of Act in operation

Victorian Plantations Corporation Act 1993, No. 61/1993

Assent Date: 8.6.93
Commencement Date: Pt 1 (ss 1–3) on 8.6.93: s. 2(1); rest of Act on 1.7.93: Government Gazette 24.6.93 p. 1596
Current State: All of Act in operation

Electricity Industry Act 1993, No. 130/1993

Assent Date: 14.12.93
Commencement Date: S. 122(Sch. 4 item 10) on 3.1.94: Special Gazette (No. 97) 23.12.93 p. 1
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Financial Management (Consequential Amendments) Act 1994, No. 31/1994

Assent Date: 31.5.94
Commencement Date: S. 3(Sch. 1 item 45) on 7.7.94: Government Gazette 7.7.94 p. 1878—see **Interpretation of Legislation Act 1984**
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

National Parks Act 1975
Act No. 8702/1975

Endnotes

Electricity Industry (Amendment) Act 1994, No. 53/1994 (as amended by No. 110/1994)

Assent Date: 15.6.94
Commencement Date: S. 34 on 3.10.94: Special Gazette (No. 64) 27.9.94 p. 1; Sch. 1 item 6 on 3.10.94: s. 2(4A)
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Impounding of Livestock Act 1994, No. 89/1994

Assent Date: 6.12.94
Commencement Date: 6.12.94
Current State: All of Act in operation

Electricity Industry (Further Amendment) Act 1994, No. 110/1994

Assent Date: 20.12.94
Commencement Date: S. 41(Sch. 1 item 7) on 20.12.94: Special Gazette (No. 100) 20.12.94 p. 1
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Gas Industry Act 1994, No. 112/1994

Assent Date: 20.12.94
Commencement Date: S. 114(Sch. 5 item 6) on 20.12.94: Special Gazette (No. 100) 20.12.94 p. 1
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Gas and Fuel Corporation (Repeal) Act 1995, No. 31/1995

Assent Date: 6.6.95
Commencement Date: S. 52(Sch. 1 item 7) on 21.6.95: Special Gazette (No. 49) 14.6.95 p. 1
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Royal Botanic Gardens and Victorian Conservation Trust (Amendment) Act 1995, No. 38/1995

Assent Date: 6.6.95
Commencement Date: 6.6.95
Current State: All of Act in operation

National Parks (Yarra Ranges and Other Amendments) Act 1995, No. 57/1995
(as amended by Nos 79/1995, 74/2000)

Assent Date: 20.6.95
Commencement Date: Ss 1, 2 on 20.6.95: s. 2(1); s. 45 on 2.12.89: s. 2(2); s. 18 on 15.12.95: s. 2(3); s. 3, Pt 3 (ss 29–31), ss 32–44, Sch. 2, Sch. 3 (*except* Pt B(c) on 3.8.95: Government Gazette 3.8.95 p. 2013; Pt 2 (ss 4–28), ss 46, 47, Sch. 1 on 15.12.95: Government Gazette; 14.12.95 p. 3488; s. 48, Sch. 3 Pt B(c), Sch. 4 on 20.6.96: s. 2(5)
Current State: All of Act in operation

National Parks Act 1975
Act No. 8702/1975

Endnotes

Extractive Industries Development Act 1995, No. 67/1995

Assent Date: 17.10.95
Commencement Date: S. 58(Sch. 1 item 11) on 1.6.96: Special Gazette (No. 60) 31.5.96 p. 4
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Electricity Industry (Further Amendment) Act 1995, No. 79/1995

Assent Date: 28.11.95
Commencement Date: S. 40 on 20.6.95: s. 2(4)
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Fisheries Act 1995, No. 92/1995

Assent Date: 5.12.95
Commencement Date: S. 161(Sch. 2 item 4) on 1.4.98: Government Gazette 26.2.98 p. 418
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Electricity Industry (Further Amendment) Act 1996, No. 48/1996

Assent Date: 26.11.96
Commencement Date: 26.11.96
Current State: All of Act in operation

Firearms Act 1996, No. 66/1996

Assent Date: 17.12.96
Commencement Date: S. 205 on 29.4.97: Government Gazette 24.4.97 p. 921
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

National Parks (Amendment) Act 1997, No. 7/1997

Assent Date: 22.4.97
Commencement Date: S. 20 on 20.6.96: s. 2(3); ss 4–13, 14(1)(2)(4), 15–24 on 4.6.97: Special Gazette (No. 59) 4.6.97 p. 1; s. 14(3) on 4.6.99: s. 2(2)
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Electricity Industry (Miscellaneous Amendment) Act 1997, No. 35/1997

Assent Date: 3.6.97
Commencement Date: S. 30 on 12.8.97: Special Gazette (No. 92) 12.8.97 p. 1.
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Electricity Industry (Further Miscellaneous Amendment) Act 1997, No. 55/1997
(as amended by No. 91/1997)

Assent Date: 21.10.97
Commencement Date: Ss 29, 30 on 21.10.97: s. 2(1)
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

National Parks Act 1975
Act No. 8702/1975

Endnotes

Alpine Resorts (Management) Act 1997, No. 89/1997

Assent Date: 9.12.97
Commencement Date: S. 73 on 16.12.97: Special Gazette (No. 159) 16.12.97 p. 1
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Rail Corporations (Amendment) Act 1997, No. 104/1997

Assent Date: 16.12.97
Commencement Date: S. 53 on 31.3.98: Special Gazette (No. 23) 31.3.98 p. 1
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Public Sector Reform (Miscellaneous Amendments) Act 1998, No. 46/1998
 (as amended by No. 12/1999)

Assent Date: 26.5.98
Commencement Date: S. 7(Sch. 1) on 1.7.98: s. 2(2)
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

National Parks (Amendment) Act 1998, No. 70/1998

Assent Date: 4.11.98
Commencement Date: Ss 3–14, Sch. on 15.4.99: Government Gazette 15.4.99 p. 838
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Conservation, Forests and Lands (Miscellaneous Amendments) Act 1998, No. 76/1998

Assent Date: 10.11.98
Commencement Date: S. 14 on 15.12.98: s. 2(5)
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Petroleum Act 1998, No. 96/1998

Assent Date: 24.11.98
Commencement Date: S. 257(4) on 1.12.99: s. 2(3)
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Transport (Amendment) Act 2000, No. 30/2000

Assent Date: 30.5.00
Commencement Date: 31.5.00: s. 2
Current State: All of Act in operation

National Parks (Amendment) Act 2000, No. 50/2000

Assent Date: 14.6.00
Commencement Date: S. 9(3) on 2.12.89: s. 2(2); s. 6 on 15.6.00: s. 2(1); ss 4, 5, 7, 8, 9(1)(2)(4), 10, 11 on 25.1.01: Government Gazette 25.1.01 p. 100
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

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Endnotes

Water Industry (Amendment) Act 2000, No. 66/2000

Assent Date: 8.11.00
Commencement Date: Ss 35(1), 36–38 on 9.11.00: s. 2(1); ss 35(2), 39 on 1.12.01: s. 2(4)
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Electricity Industry Legislation (Miscellaneous Amendments) Act 2000, No. 69/2000

Assent Date: 21.11.00
Commencement Date: S. 61 on 1.1.01: S. 2(4)
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Statute Law Revision Act 2000, No. 74/2000

Assent Date: 21.11.00
Commencement Date: S. 3(Sch. 1 item 87) on 22.11.00: s. 2(1)
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Mineral Resources Development (Amendment) Act 2000, No. 82/2000

Assent Date: 28.11.00
Commencement Date: S. 75 on 31.7.01: Government Gazette 26.7.01 p. 1703
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Corporations (Consequential Amendments) Act 2001, No. 44/2001

Assent Date: 27.6.01
Commencement Date: S. 3(Sch. item 86) on 15.7.01: s. 2
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Statute Law (Further Revision) Act 2002, No. 11/2002

Assent Date: 23.4.02
Commencement Date: S. 3(Sch. 1 item 47) on 24.4.02: s. 2(1)
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

National Parks (Marine National Parks and Marine Sanctuaries) Act 2002, No. 40/2002

Assent Date: 18.6.02
Commencement Date: Ss 3–24, Sch. 1 on 16.11.02: s. 2
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

National Parks (Box-Ironbark and Other Parks) Act 2002, No. 50/2002

Assent Date: 29.10.02
Commencement Date: Ss 3–16 on 30.10.02: s. 2
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

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Endnotes

Forests and National Parks Acts (Amendment) Act 2003, No. 97/2003

Assent Date: 2.12.03
Commencement Date: Ss 7–10 on 3.12.03: s. 2
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Extractive Industries Development (Amendment) Act 2003, No. 84/2003

Assent Date: 11.11.03
Commencement Date: S. 18 on 27.5.04: Government Gazette 27.5.04 p. 1364
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Sustainable Forests (Timber) Act 2004, No. 48/2004

Assent Date: 16.6.04
Commencement Date: S. 136 on 17.6.04: s. 2(1)
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Government Gazette	23 April 1986 pages 1049–1051
Government Gazette	16 December 1987 page 3459
Government Gazette	20 July 1988 page 2166
Government Gazette	18 December 1991 pages 3537, 3538
Government Gazette	1 April 1993 page 760
Government Gazette	27 June 1996 page 1630

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Endnotes

3. Explanatory Details

¹ S. 10(1): Section 5(2) of the **National Parks (Amendment) Act 1986**, No. 44/1986 reads as follows:

5. Membership of National Parks Advisory Council

- (2) Notwithstanding the reconstitution of the National Parks Advisory Council effected by this Act the Council is the same body after as before the commencement of this section and no act matter or thing is abated thereby.

² S. 13(4): Sections 6(2), 7(3)(4) of the **National Parks (Further Amendment) Act 1984**, No. 10166/1984 read as follows:

6. Fees paid to members of Advisory Council

- (2) A regulation prescribing the fees to be paid to members of the National Parks Advisory Council which was in operation immediately before the commencement of this section shall continue in operation until a determination is made by the Governor in Council pursuant to section 13(4) of the Principal Act.

7. Convenor of Advisory Council and Advisory Committee

- (3) The person holding the office of Chairman of the National Parks Advisory Council or a Committee appointed under section 14 of the Principal Act, immediately before the commencement of this section, shall become and be the Convenor of the Council or committee respectively for the unexpired portion of the period for which the person was appointed Chairman of the Council or the Committee (as the case may be).
- (4) Any reference in any Act, proclamation, appointment, Order in Council, rule, regulation or other enactment or in any instrument, document or writing of any kind to the Chairman of the

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National Parks Advisory Council or a Committee appointed under section 14 of the Principal Act shall be deemed to be a reference to the Convenor of the Council or Committee as the case may be.

³ S. 13(5): See note 2.

⁴ S. 13(6): See note 2.

⁵ S. 13(8): See note 2.

⁶ S. 14(2): See note 2.

⁷ S. 14(6): See note 2.

⁸ S. 14(8): See note 2.

⁹ S. 27C:

S. 27C inserted by No. 10166 s. 14(1), repealed by No. 7/1997 s. 5.

¹⁰ S. 29(2)–29(6):

S. 29(2)–(4) repealed by No. 7/1997 s. 6.

S. 29(5)(6) repealed by No. 9114 s. 11(a).

¹¹ S. 30(2): Section 32 of the **National Parks (Amendment) Act 1989**, No. 38/1989 reads as follows:

32. Land to be transferred to the Crown—Point Nepean

Upon the coming into operation of section 24, the land in Part 4 of Schedule Two to the Principal Act as amended by this Act, and identified by hatching on the plans numbered 20A/7 and 20B/7 and lodged in the Central Plan Office of the Department of Property and Services is to be taken to be not included as part of the land described in Part 4 until the title to the land is transferred to the Crown.

¹² S. 30(3): See note 11.

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¹³ S. 31AB: Sections 21 and 22 of the **National Parks (Yarra Ranges and Other Amendments) Act 1995**, No. 57/1995 read as follows:

21. Divesting of land from the MWC—O'Shannassy

- (1) Crown grant Volume 3507 Folio 701293 is **revoked**.
- (2) The proclamation made by the Governor in Council on 28 January 1910 and published in the Government Gazette dated 9 February 1910 at page 1100 is **revoked**.
- (3) The Order in Council referred to in Part C of Schedule 1 is **revoked**.
- (4) The Manango (O'Shannassy River Watershed) Lands Act 1969 is repealed.
- (5) Despite anything to the contrary in any Act, the land, in respect of which the Crown Grant has been revoked, is deemed to be unalienated land of the Crown freed and discharged from all trusts, encumbrances, limitations and restrictions and from every estate or interest therein.

22. O'Shannassy Lodge lease

- (1) Nothing in section 21 affects the continuity of—
 - (a) the lease between the Melbourne and Metropolitan Board of Works and Victorian Snow Resorts Pty Ltd dated 15 November 1988 over land coloured red on the plan attached to the lease; or
 - (b) any assignment of that lease made before the commencement of this sub-section or any guarantee entered into before that commencement in relation to that lease or any such assignment.
 - (2) The lease referred to in sub-section (1)(a) and any assignment or guarantee to which sub-section (1)(b) relates—
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- (a) continue in force despite anything to the contrary in the Principal Act or any other Act; and
- (b) the Minister is, by force of this sub-section, substituted as a party in place of the Melbourne Water Corporation in that lease and in any such assignment or guarantee.

¹⁴ S. 43: Section 7(2) of the **National Parks and Wildlife (Amendment) Act 1988**, No. 7/1988 (as amended by No. 38/1989) reads as follows:

7. Trade or business licensed under another Act

- (2) Section 43 of the Principal Act as amended by sub-section (1) does not apply to a trade or business authorised, permitted or licensed under any other Act or law before the commencement of the **National Parks and Wildlife (Amendment) Act 1988** except to the extent provided in section 40 of the Principal Act.

¹⁵ Sch. 2 Pt 1: Section 7 of the **National Parks (Amendment) Act 1988**, No. 24/1988 reads as follows:

7. Cessation of rights over land delineated in Schedule

- (1) The lands delineated and coloured yellow in the plans referred to in Parts 1, 29 and 35 of Schedule Two to the Principal Act as amended by this Act cease to be roads or parts of roads and all rights, easements and privileges existing or claimed either by the public or any other body and incidental to any past dedication or supposed dedication or by any past user or by any fiction of law cease.
 - (2) The lands delineated by a green border in the plans referred to in Parts 1, 12, 29, 35 and 36 of Schedule Two to the Principal Act as amended by this Act cease to be reserved forest.
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¹⁶ Sch. 2 Pt 3: Section 4(7)(8) of the **National Parks (Amendment) Act 1986**, No. 44/1986 reads as follows:

4. New and enlarged parks

- (7) The land delineated and coloured yellow in the plans referred to in items (a), (c), (e) and (f) of Part A of the Schedule and items (d), (e) and (h) of Part B of the Schedule shall upon the respective days upon which Schedule Two or Schedule Three, as the case may be, to the Principal Act is amended by the respective items:
 - (a) cease to be roads or parts of roads; and
 - (b) all rights easements and privileges existing or claimed either by the public or any other body and incidental to any past dedication or supposed dedication or by any past user or by any fiction of law shall cease and determine.
- (8) The lands delineated by a green border on the plans referred to in items (a), (c), (f) and (g) of Part A of the Schedule and items (d), (e), (f) and (h) of Part B of the Schedule shall upon the respective days upon which Schedule Two or Schedule Three as the case may be, to the Principal Act is amended by the respective items cease to be reserved forest.

¹⁷ Sch. 2 Pt 4: Section 4(13) of the **National Parks and Wildlife (Amendment) Act 1988**, No. 7/1988 reads as follows:

4. New and altered parks

- (13) If the title to a piece of land shown hatched in the plan numbered N.P. 20A/6 in item (a) of the Schedule is not surrendered to the Crown in right of the State of Victoria before the commencement of sub-section (1), the piece of land is deemed to be excluded from the land described in Part 4 of Schedule 2 to the Principal Act until the title to

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the piece of land is surrendered to the Crown in right of the State of Victoria.

¹⁸ Sch. 2 Pt 4: Section 33(1) of the **National Parks (Amendment) Act 1989**, No. 38/1989 reads as follows:

33. Cessation of rights

- (1) The lands delineated and coloured yellow in the plans referred to in Part 4 of Schedule Two, Part 5 of Schedule Two B and Parts 2 and 5 of Schedule Three to the Principal Act as amended by this Act, cease to be roads or parts of roads and all rights, easements and privileges existing or claimed either by the public or any other body and incidental to any past dedication or supposed dedication or by any past user or fiction of law cease.

¹⁹ Sch. 2 Pt 4: Sections 14, 15 of the **National Parks (Further Amendment) Act 1990**, No. 43/1990 read as follows:

14. Land to be transferred to the Crown—Point Nepean

On the date of commencement of this section, the land in Part 4 of Schedule Two to the Principal Act as amended by section 13 of this Act and identified by hatching on a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 20B/9 must be taken to be not included as part of the land described in Part 4 of that Schedule until the interest in fee simple in the land is transferred or conveyed to the Crown.

15. Rights to cease

- (1) The lands delineated and coloured yellow on the plans referred to in Parts 4 and 38 of Schedule Two to the Principal Act as amended by this Act (except any land shown as excluded from those lands) cease to be roads or parts of roads and all rights, easements and privileges existing or claimed either by the public or any other body or
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person (whether by dedication or supposed dedication or past user or operation of law or otherwise) cease.

- (2) The lands delineated and coloured green in the plans referred to in Part 38 of Schedule Two, Part 34 of Schedule Two B and Parts 8 and 11 of Schedule Three to the Principal Act as amended by this Act cease to be reserved forest.

²⁰ Sch. 2 Pt 6: Section 19(2) of the **National Parks (Amendment) Act 1997**, No. 7/1997 reads as follows:

19. Cessation of rights

- (2) On the day on which a part of a Schedule to the Principal Act, referred to in a following paragraph, is inserted in the Principal Act by, or amended by, the section referred to in that paragraph, the lands delineated by a green border, or coloured green or hatched (as the case requires) on the plan referred to in that part cease to be reserved forest—
- (a) Part 15 of Schedule Three to the Principal Act, as inserted by section 15 of this Act;
 - (b) Parts 6 and 27 of Schedule Two to the Principal Act as amended by section 16 of this Act;
 - (c) Part 5 of Schedule Two B to the Principal Act as amended by section 17 of this Act.

²¹ Sch. 2 Pt 6: Section 23(2) of the **National Parks (Amendment) Act 1997**, No. 7/1997 reads as follows:

23. Land to become part of park on surrender to the Crown

- (2) If the land shown cross-hatched on the plan numbered N.P. 86/2 substituted by section 16(1) is not surrendered to the Crown before the commencement of that section, that land is deemed to be excluded from the park described in

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Part 6 of Schedule Two to the Principal Act until
the title to that land is surrendered to the Crown.

²² Sch. 2 Pt 8: See note 16.

²³ Sch. 2 Pt 10: Sections 24–28 of the **National Parks (Yarra Ranges and Other Amendments) Act 1995**, No. 57/1995 (as amended by No. 85/1998) read as follows:

**24. Divesting of management from MWC—Yarra
Ranges National Park**

- (1) The agreement made on 4 October 1928 between the Minister for the time being administering the Forests Acts and Melbourne and Metropolitan Board of Works (as in force immediately before the commencement of this sub-section) and the agreement made on that same day between the Forests Commission and Melbourne and Metropolitan Board of Works (as in force immediately before the commencement of this sub-section) as they relate to the land shown on the plans referred to in Part 39 of Schedule Two are cancelled on the date on which the land becomes part of the Yarra Ranges National Park.
- (2) To the extent that the Melbourne Water Corporation has control and management of any land shown on the plans referred to in Part 39 of Schedule Two, Melbourne Water Corporation ceases to have control and management of that land.

25. Rights, etc. to cease

- (1) Any land that is part of the lands delineated by a green border on the plans referred to in Parts 10 and 39 of Schedule Two to the Principal Act as amended by this Act ceases to be reserved forest on the date on which that land becomes part of Kinglake National Park or Yarra Ranges National Park (as the case requires).

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- (2) The alpine resort known as Mount Donna Buang and being the Crown lands declared by the Governor in Council to be an alpine resort under section 19(1) of the **Alpine Resorts Act 1983** by Order made on 19 February 1985 and published in the Government Gazette on 27 February 1985 ceases to be an alpine resort on the date on which those lands become part of Yarra Ranges National Park.
- (3) The land delineated and shown hatched on the plan in Part D of Schedule 1 (being part of the alpine resort known as Lake Mountain and being part of the Crown lands declared by the Governor in Council to be an alpine resort under section 19(1) of the **Alpine Resorts Act 1983** by Order made on 24 March 1987 and published in the Government Gazette on 25 March 1987) ceases to be part of Lake Mountain Alpine Resort on the date on which that land becomes part of Yarra Ranges National Park.
- (4) The lands delineated and coloured yellow on the plans referred to in Part 39 of Schedule Two to the Principal Act as amended by this Act cease to be roads or parts of roads and all rights, easements and privileges existing or claimed either by the public or any other body and incidental to any past dedication or supposed dedication or by any past user or by any fiction of law cease and determine.

26. Registrar of Titles to make necessary amendments to records

* * * * *

- (2) The Registrar of Titles, on being requested to do so and on submission of any relevant certificate of title or other document, must make any amendments in the Register under the provisions of the **Transfer of Land Act 1958** that are

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necessary because of the operation of any provision of this Part.

27. No compensation payable by Crown

No compensation is payable by the Crown in respect of anything done under or arising out of this Part.

28. Supreme Court—limitation of jurisdiction

It is the intention of this section to alter or vary section 85 of the **Constitution Act 1975** to the extent necessary to prevent the Supreme Court awarding compensation in respect of anything done under or arising out of this Part.

²⁴ Sch. 2 Pt 12: See note 15.

²⁵ Sch. 2 Pt 12: Section 30(1) of the **National Parks (Yarra Ranges and Other Amendments) Act 1995**, No. 57/1995 reads as follows:

30. Cessation of rights

(1) On the day on which—

- (a) Schedule Two to the Principal Act is amended by item (d) and item (j) of Part A of Schedule 3; and
- (b) Schedule Two B to the Principal Act is amended by item (e) and item (f) of Part B of Schedule 3; and
- (c) Schedule Three to the Principal Act is amended by item (d) of Part C of Schedule 3—

the lands delineated and coloured yellow in the plans substituted by those items cease to be roads or parts of roads and all rights, easements and privileges existing or claimed either by the public or any other body and incidental to any past dedication or supposed dedication or by any past user or by any fiction of law cease and determine.

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²⁶ Sch. 2 Pt 13: Section 19(1) of the **National Parks (Amendment) Act 1997**, No. 7/1997 reads as follows:

19. Cessation of rights

- (1) On the day on which a part of a Schedule to the Principal Act, referred to in a following paragraph, is inserted in the Principal Act by, or amended by, the section referred to in that paragraph, the lands delineated and coloured yellow in the plan referred to in that part cease to be roads or parts of roads and all rights, easements, and privileges existing or claimed, either by the public or any other body and incidental to any express or implied grant, or past dedication or supposed dedication or by any past user or fiction of law cease and determine—
 - (a) Part 15 of Schedule Two to the Principal Act as inserted by section 14 of this Act;
 - (b) Part 2A of Schedule Three to the Principal Act, as inserted by section 15 of this Act;
 - (c) Parts 13 and 34 of Schedule Two to the Principal Act as amended by section 16 of this Act;
 - (d) Parts 1, 2 and 33 of Schedule Two B to the Principal Act as amended by section 17 of this Act;
 - (e) Parts 3 and 6 of Schedule Three to the Principal Act as amended by section 18 of this Act.

²⁷ Sch. 2 Pt 14: Section 3(10) of the **National Parks (Amendment) Act 1981**, No. 9570/1981 reads as follows:

3. Amendment of the National Parks Act 1975

- (10) Any land in the Parish of Kentbruck described in Part 14 of Schedule Two to the Principal Act as in force immediately before the commencement of

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sub-section (1) and not described in Part 14 of that Schedule as amended by that sub-section shall, upon that commencement, become and be deemed to be reserved forest.

²⁸ Sch. 2 Pt 15: See note 26.

²⁹ Sch. 2 Pt 15: Section 23(1) of the **National Parks (Amendment) Act 1997**, No. 7/1997 reads as follows:

23. Land to become part of park on surrender to the Crown

- (1) If the land shown hatched on the plan inserted by section 14(2) is not surrendered to the Crown before the commencement of that section, that land is deemed to be excluded from the park described in Part 15 of Schedule Two to the Principal Act until the title to that land is surrendered to the Crown.

³⁰ Sch. 2 Pt 18: See note 16.

³¹ Sch. 2 Pt 19: Section 4(10) of the **National Parks (Amendment) Act 1987**, No. 7/1987 reads as follows:

4. New and enlarged Parks

- (10) The lands delineated and coloured yellow in the plan referred to in Part A of the Schedule cease to be roads or parts of roads and all rights, easements and privileges existing or claimed either by the public or any other body and incidental to any past dedication or supposed dedication or by any past user or by any fiction of law cease and determine.

³² Sch. 2 Pt 21: Section 3(12) of the **National Parks (Amendment) Act 1981**, No. 9570/1981 reads as follows:

3. Amendment of the National Parks Act 1975

- (12) The lands delineated and coloured yellow in the plans referred to in items (g), (j), (k) and (l) of Part A of the Schedule and items (b), (d) and (l) of Part B of the Schedule shall, upon the respective days upon which Schedule Two or Schedule

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Three, as the case may be, to the Principal Act is amended by those respective items, cease to be roads or parts of roads and all rights, easements and privileges existing or claimed either by the public or any body whatsoever or whomsoever and incidental to any past dedication or supposed dedication or by any past user or by any fiction of the law shall cease and determine.

³³ Sch. 2 Pt 26: Section 4(11) of the **National Parks (Amendment) Act 1984**, No. 10073/1984 reads as follows:

4. Amendment of the National Parks Act 1975

- (11) Any land described in Part 26 of Schedule Two to the Principal Act as in force immediately before the commencement of sub-section (1) and not described in Part 26 of that Schedule as amended by that sub-section shall, upon that commencement, become and be deemed to be reserved forest.

³⁴ Sch. 2 Pt 27: See note 20.

³⁵ Sch. 2 Pt 29: See note 15.

³⁶ Sch. 2 Pt 29: Section 7 of the **National Parks (Miscellaneous Amendments) Act 1991**, No. 2/1991 reads as follows:

7. Rights to cease

The lands delineated by a green border in the plans referred to in Parts 29, 35 and 36 of Schedule Two and Part 17 of Schedule Two B to the Principal Act as amended by this Act cease to be reserved forest.

³⁷ Sch. 2 Pt 31: Section 3(13) of the **National Parks (Amendment) Act 1981**, No. 9570/1981 reads as follows:

3. Amendment of National Parks Act 1975

- (13) The lands delineated by a green border on the plans referred to in items (k), (l), (m) and (n) of Part A of the Schedule and item (k) of Part B of

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the Schedule shall, upon the respective days upon which Schedule Two or Schedule Three, as the case may be, to the Principal Act is amended by those respective items, cease to be reserved forest.

³⁸ Sch. 2 Pt 34: Section 4(8)(9) of the **National Parks (Amendment) Act 1986**, No. 44/1986 reads as follows:

4. New and enlarged parks

- (8) The lands delineated by a green border on the plans referred to in items (a), (c), (f) and (g) of Part A of the Schedule and items (d), (e), (f) and (h) of Part B of the Schedule shall upon the respective days upon which Schedule Two or Schedule Three as the case may be, to the Principal Act is amended by the respective items cease to be reserved forest.
- (9) Any land described in Part 34 of Schedule Two to the Principal Act as in force immediately before the commencement of section 4(1) and not described in the corresponding part of the Schedule as amended by section 4(1) shall on the commencement of the sub-section become and be deemed to be unalienated Crown land.

³⁹ Sch. 2 Pt 34: See note 26.

⁴⁰ Sch. 2 Pt 35: See note 15.

⁴¹ Sch. 2 Pt 35: See note 36.

⁴² Sch. 2 Pt 36: See note 15.

⁴³ Sch. 2 Pt 36: See note 36.

⁴⁴ Sch. 2 Pt 37: See note 25.

⁴⁵ Sch. 2 Pt 37: Sections 14, 16 and 17 of the **National Parks (Alpine National Park) Act 1989**, No. 37/1989 read as follows:

14. Cessation of rights over land delineated in Schedule 2

- (1) The lands delineated and coloured yellow in the plan referred to in Part 37 of Schedule Two to the

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Principal Act as amended by this Act, on the date on which those lands become part of the park, cease to be roads or parts of roads and all rights easements and privileges existing or claimed either by the public or any other body and incidental to any past dedication or supposed dedication or by any past user or fiction of law cease.

- (2) The lands delineated by a green border in the plan referred to in Part 37 of Schedule Two to the Principal Act as amended by this Act, on the date on which those lands become part of the park, cease to be reserved forest.

16. Continuation of lease

- (1) Upon the coming into operation of section 10, the lease made on 24 March 1976 in which a portion of the land described in Part 37 of Schedule Two to the Principal Act was leased by the State Electricity Commission to the Commonwealth of Australia continues in force despite anything to the contrary in the Principal Act or any other Act.
- (2) The terms and conditions set out in the lease continue to operate except that the Minister becomes the lessor and any reference in the lease to the lessor or its representatives is to be taken to be a reference to the Minister.

17. Land purchased under terms contract

Upon the coming into operation of section 10 the land identified by vertical hatching on the plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 70/1f is to be taken to be not included as part of the land described in Part 37 of Schedule Two to the Principal Act, until the title to the land is surrendered to the Crown.

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⁴⁶ Sch. 2 Pt 37: Section 45 of the **National Parks (Yarra Ranges and Other Amendments) Act 1995**, No. 57/1995 reads as follows:

45. Operation of amendments to Part 37 of Schedule Two

Part 37 of Schedule Two to the Principal Act is to be deemed to have always been enacted as amended by item (j)(iii) of Part A of Schedule 3.

⁴⁷ Sch. 2 Pt 38: Section 15 of the **National Parks (Further Amendment) Act 1990**, No. 43/1990 read as follows:

15. Rights to cease

- (1) The lands delineated and coloured yellow on the plans referred to in Parts 4 and 38 of Schedule Two to the Principal Act as amended by this Act (except any land shown as excluded from those lands) cease to be roads or parts of roads and all rights, easements, and privileges existing or claimed either by the public or any other body or person (whether by dedication or supposed dedication or past user or operation of law or otherwise) cease.
- (2) The lands delineated and coloured green in the plans referred to in Part 38 of Schedule Two, Part 34 of Schedule Two B and Parts 8 and 11 of Schedule Three to the Principal Act as amended by this Act cease to be reserved forest.

⁴⁸ Sch. 2 Pt 39: See note 23.

⁴⁹ Sch. 2A: Section 34 of the **National Parks (Amendment) Act 1989**, No. 38/1989 reads as follows:

34. Transitional provision

Regulations in force under this Act that, immediately before the commencement of this section, applied to parks referred to in Schedule Three apply, on and after that commencement, to parks referred to in Schedule Two A, Schedule Two B or Schedule Three.

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⁵⁰ Sch. 2A Pt 3: Section 19 of the **National Parks (Wilderness) Act 1992**, No. 40/1992 reads as follows:

19. Land ceases to be reserved forest

Each of the following pieces of land ceases to be reserved forest on the date on which that land becomes part of a national park—the land delineated by green border on the plan referred to in Part 3 of Schedule Two A of the Principal Act as amended by this Act.

⁵¹ Sch. 2B: See note 49.

⁵² Sch. 2B Pt 1: See note 26.

⁵³ Sch. 2B Pt 2: See note 26.

⁵⁴ Sch. 2B Pt 2: Section 23(3) of the **National Parks (Amendment) Act 1997**, No. 7/1997 reads as follows:

23. Land to become part of park on surrender to the Crown

- (3) If the land shown hatched on the plan substituted by section 17(2) is not surrendered to the Crown before the commencement of that section, that land is deemed to be excluded from the park described in Part 2 of Schedule Two B to the Principal Act until the title to that land is surrendered to the Crown.

⁵⁵ Sch. 2B Pt 5: Section 33(1)(2) of the **National Parks (Amendment) Act 1989**, No. 38/1989 reads as follows:

33. Cessation of rights

- (1) The lands delineated and coloured yellow in the plans referred to in Part 4 of Schedule Two, Part 5 of Schedule Two B and Parts 2 and 5 of Schedule Three to the Principal Act as amended by this Act, cease to be roads or parts of roads and all rights, easements and privileges existing or claimed either by the public or any other body and incidental to any past dedication or supposed

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dedication or by any past user or fiction of law cease.

- (2) The lands delineated by a green border in the plans referred to in Parts 5, 9, 21 and 26 of Schedule Two B and Part 5 of Schedule Three to the Principal Act as amended by this Act, cease to be reserved forest.

⁵⁶ Sch. 2B Pt 5: See note 20.

⁵⁷ Sch. 2B Pt 17: See note 36.

⁵⁸ Sch. 2B Pt 17: Section 20 of the **National Parks (Amendment) Act 1997**, No. 7/1997 reads as follows:

20. Cessation of rights—Lerderderg State Park

The land described as Crown Allotment 64A,
 Parish of Coimadai, County of Bourke ceases to
 be reserved forest.

⁵⁹ Sch. 2B Pt 20: See note 25.

⁶⁰ Sch. 2B Pt 26: See note 25.

⁶¹ Sch. 2B Pt 26: See note 55.

⁶² Sch. 2B Pt 31: Section 23(4) of the **National Parks (Amendment) Act 1997**, No. 7/1997 reads as follows:

23. Land to become part of park on surrender to the Crown

- (4) If the land shown hatched on the plan substituted by section 17(9) is not surrendered to the Crown before the commencement of that section, that land is deemed to be excluded from the park described in Part 31 of Schedule Two B to the Principal Act until the title to that land is surrendered to the Crown.

National Parks Act 1975
Act No. 8702/1975

⁶³ Sch. 2B Pt 35: Section 30(2) of the **National Parks (Yarra Ranges and Other Amendments) Act 1995**, No. 57/1995 reads as follows:

30. Cessation of rights

- (2) On the day on which Schedule Two B to the Principal Act is amended by Schedule 2, the lands delineated by a green border on the plans referred to in Parts 35 and 36 of Schedule Two B to the Principal Act as amended by this Act cease to be reserved forest, and on the day on which Schedule Three to the Principal Act is amended by item (a) of Part C of Schedule 3, the lands delineated by a green border on the plan referred to in that item cease to be reserved forest.

⁶⁴ Sch. 2B Pt 36: See note 64.

⁶⁵ Sch. 3 Pt 2A: See note 26.

⁶⁶ Sch. 3 Pt 3: See note 26.

⁶⁷ Sch. 3 Pt 3: Section 23(5) of the **National Parks (Amendment) Act 1997**, No. 7/1997 reads as follows:

23. Land to become part of park on surrender to the Crown

- (5) If the land shown hatched on the plan numbered N.P. 44/3 substituted by section 18(2) is not surrendered to the Crown before the commencement of that section, that land is deemed to be excluded from the park described in Part 3 of Schedule Three to the Principal Act until the title to that land is surrendered to the Crown.

⁶⁸ Sch. 3 Pt 6: See note 26.

⁶⁹ Sch. 3 Pt 10: See note 25.

⁷⁰ Sch. 3 Pt 15: See note 20.