

Authorised Version No. 155

National Parks Act 1975

No. 8702 of 1975

Authorised Version incorporating amendments as at
1 December 2016

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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 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;

- (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).

* * * * *

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.

3 Definitions

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

S. 3(1) def. of *appointed land* inserted by No. 62/2010 s. 124(1).

appointed land, in relation to a Traditional Owner Land Management Board, has the same meaning as in the **Conservation, Forests and Lands Act 1987**;

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

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

S. 3(1) def. of *Barwon Water* inserted by No. 60/2005 s. 3(a).

Barwon Water means Barwon Region Water Authority constituted under Part 6 of the **Water Act 1989**;

S. 3(1) def. of *Barwon water supply catchment area* inserted by No. 60/2005 s. 3(a), amended by Nos 57/2006 s. 3(a), 54/2008 s. 3(a), 79/2013 s. 16(a).

Barwon water supply catchment area means the land shown hatched on the plans numbered N.P. 111C/2, N.P. 111D/2, N.P. 111E/3, N.P. 111F/1 and N.P. 111G/1 and lodged in the Central Plan Office;

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

boat means any means of transportation on water;

S. 3(1) def. of *cattle* inserted by No. 16/2015 s. 3.

cattle means any animal of the species *Bos taurus*;

Central Plan Office means the Central Plan Office maintained under section 4 of the **Survey Co-ordination Act 1958**;

S. 3(1) def. of *Central Plan Office* inserted by No. 46/1998 s. 7(Sch. 1), amended by Nos 97/2003 s. 7, 79/2013 s. 16(b), substituted by No. 44/2016 s. 3.

commercial fishing equipment has the same meaning as in the **Fisheries Act 1995**;

S. 3(1) def. of *commercial fishing equipment* inserted by No. 35/2010 s. 3.

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—

- (a) any Melbourne water supply catchment area; or
- (b) the Barwon water supply catchment area; or
- (c) the Wannon water supply catchment area;

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, substituted by No. 60/2005 s. 3(b), amended by No. 90/2009 s. 3(1)(a).

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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).

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

S. 3(1) def. of
*exploration
licence*
inserted by
No. 50/2002
s. 3,
amended by
No. 63/2006
s. 61(Sch.
item 23.1).

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

S. 3(1) def. of
*film friendly
principles*
inserted by
No. 51/2014
s. 9(Sch. 2
item 13.1).

film friendly principles has the same meaning as
in the **Filming Approval Act 2014**;

S. 3(1) def. of
film permit
inserted by
No. 51/2014
s. 9(Sch. 2
item 13.1).

film permit has the same meaning as in the
Filming Approval Act 2014;

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

fish 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).

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

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.

joint management plan has the same meaning as in the **Conservation, Forests and Lands Act 1987**;

S. 3(1) def. of ***joint management plan*** inserted by No. 62/2010 s. 124(1).

managing water authority means—

- (a) in the case of a designated water supply catchment that is a Melbourne water supply catchment area, Melbourne Water Corporation; or
- (b) in the case of a designated water supply catchment that is the Barwon water supply catchment area, Barwon Water; or
- (c) in the case of a designated water supply catchment that is the Wannon water supply catchment area, Wannon Water;

S. 3(1) def. of ***managing water authority*** inserted by No. 60/2005 s. 3(a), amended by No. 90/2009 s. 3(1)(b).

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 national park*** inserted by No. 40/2002 s. 3(a).

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 *Melbourne Water Corporation* inserted by No. 60/2005 s. 3(a), amended by No. 85/2006 s. 173(Sch. 1 item 8.1).

Melbourne Water Corporation means Melbourne Water Corporation constituted under the **Water Act 1989**;

S. 3(1) def. of *Melbourne water supply catchment area* inserted by No. 60/2005 s. 3(a), amended by Nos 54/2008 s. 3(b), 79/2013 s. 16(c).

Melbourne water supply catchment area means either—

- (a) the land shown coloured blue on the plan numbered N.P. 8B/1 and lodged in the Central Plan Office; or
- (b) the land shown coloured blue on the plans numbered N.P. 102A/3 and N.P. 102B/2 and lodged in the Central Plan Office;

S. 3(1) def. of *miner's right* inserted by No. 50/2002 s. 3, amended by No. 63/2006 s. 61(Sch. item 23.1).

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

S. 3(1) def. of *mining licence* inserted by No. 50/2002 s. 3, amended by No. 63/2006 s. 61(Sch. item 23.1).

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

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

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;

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

police officer has the same meaning as in the **Victoria Police Act 2013**;

S. 3(1) def. of *police officer* inserted by No. 37/2014 s. 10(Sch. item 115.1).

prescribed means prescribed by this Act or the Regulations;

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

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

recreational fishing equipment has the same meaning as in the **Fisheries Act 1995**;

S. 3(1) def. of *recreational fishing equipment* inserted by No. 82/2009 s. 3.

reference area means an area proclaimed to be a reference area under the **Reference Areas Act 1978**;

S. 3(1) def. of *reference area* inserted by No. 35/2005 s. 3.

* * * * *

S. 3(1) def. of *relevant land* inserted by No. 70/1998 s. 4, repealed by No. 40/2002 s. 3(c).

S. 3(1) def. of
*remote and
natural area*
inserted by
No. 40/1992
s. 16.

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
rock lobster
inserted by
No. 35/2010
s. 3.

rock lobster has the same meaning as in the
Fisheries Act 1995;

S. 3(1) def. of
*Rock Lobster
Fishery
Access
Licence*
inserted by
No. 35/2010
s. 3.

Rock Lobster Fishery Access Licence has the
same meaning as under the **Fisheries
Act 1995**;

S. 3(1) def. of
*rock lobster
pot*
inserted by
No. 35/2010
s. 3.

rock lobster pot has the same meaning as under
the **Fisheries Act 1995**;

S. 3(1) def. of
search
inserted by
No. 50/2002
s. 3,
amended by
No. 63/2006
s. 61(Sch.
item 23.1).

search has the same meaning as in the **Mineral
Resources (Sustainable Development)
Act 1990**;

S. 3(1) def. of
Secretary
inserted by
No. 70/1998
s. 4.

Secretary means the body corporate established
under Part 2 of the **Conservation, Forests
and Lands Act 1987**;

S. 3(1) def. of
*South West
Water*
inserted by
No. 60/2005
s. 3(a),
repealed by
No. 90/2009
s. 3(2).

* * * * *

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*	*	*	*	*	
					S. 3(1) def. of <i>South West water supply catchment area</i> inserted by No. 60/2005 s. 3(a), amended by Nos 57/2006 s. 3(b), 54/2008 s. 3(c), repealed by No. 90/2009 s. 3(3).
				<i>take</i> means to gain possession or control of by any means;	S. 3(1) def. of <i>take</i> inserted by No. 40/2002 s. 3(a).
				<i>tour operator licence</i> means a licence granted under section 27D;	S. 3(1) def. of <i>tour operator licence</i> inserted by No. 40/2009 s. 35.
				<i>tourist fossicking authority</i> means a tourist fossicking authority under Part 5 of the Mineral Resources (Sustainable Development) Act 1990 ;	S. 3(1) def. of <i>tourist fossicking authority</i> inserted by No. 50/2002 s. 3, amended by No. 63/2006 s. 61(Sch. item 23.1).
				<i>Traditional Owner Land Management Board</i> has the same meaning as in the Conservation, Forests and Lands Act 1987 ;	S. 3(1) def. of <i>Traditional Owner Land Management Board</i> inserted by No. 62/2010 s. 124(1).

S. 3(1) def. of
*Wannon
Water*
inserted by
No. 90/2009
s. 3(4).

Wannon Water means Wannon Region Water Corporation constituted under Part 6 of the **Water Act 1989**;

S. 3(1) def. of
*Wannon
water supply
catchment
area*
inserted by
No. 90/2009
s. 3(5),
amended by
No. 79/2013
s. 16(d).

Wannon water supply catchment area means the land shown hatched on the plan numbered N.P. 111H/4 and lodged in the Central Plan Office;

S. 3(1) def. of
*wilderness
zone*
inserted by
No. 40/1992
s. 16.

wilderness zone means land that, by reason of section 22(4A) or (5), is a wilderness zone for the purposes of this Act.

(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 within the meaning of section 3 of the **Transport Integration Act 2010**, 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.

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),
6/2010
s. 203(1)
(Sch. 6
item 32.1).

Note

Land under this Act may be the subject of a land use activity agreement within the meaning of Part 4 of the **Traditional Owner Settlement Act 2010**.

Note to s. 3
inserted by
No. 62/2010
s. 124(2).

4 Objects of Act

The objects of this Act are—

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

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

S. 4(a)(i)
amended by
No. 40/1992
s. 13.

- (i) for the preservation and protection of the natural environment including wilderness areas and remote and natural areas in those parks;
- (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

S. 4(a)(iv)
inserted by
No. 37/1989
s. 13.

- (iv) for the responsible management of the land in those parks;

S. 4(aa)
inserted by
No. 57/1995
s. 5.

- (aa) to make further provision in respect of designated water supply catchment areas in national parks—
- (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—
- (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
 - (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 subparagraph (i), to make provision for the public to observe, experience or otherwise become acquainted in those parks with the

S. 4(ab)
inserted by
No. 38/1989
s. 5.

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

- (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.

S. 4A
inserted by
No. 12/2004
s. 164.

4A Application of Road Management Act 2004

- (1) A road under this Act is a road for the purposes of the **Road Management Act 2004** but is a public road for the purposes of that Act only if the road is a public road within the meaning it has in section 3(1) of the **Road Management Act 2004**.
- (2) The relevant road authority for the purposes of the **Road Management Act 2004** is, subject to any regulations for the purpose of section 37(1)(c) of the **Road Management Act 2004**—
- (a) the person or body nominated for the purposes of this section in a notice published in the Government Gazette by the Minister administering this Act; or
- (b) if no notice is published, the Secretary.

S. 4A(2)(b)
amended by
No. 44/2016
s. 4.

4B Transport Integration Act 2010

This Act is interface legislation within the meaning of the **Transport Integration Act 2010**.

S. 4B
inserted by
No. 6/2010
s. 25(5)(Sch. 2
item 8).

4C Filming Approval Act 2014

This Act is filming approval legislation within the meaning of the **Filming Approval Act 2014**.

S. 4C
inserted by
No. 51/2014
s. 9(Sch. 2
item 13.2).

Part II—Administration

5 Director

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.

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

6 Function of the Director

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

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. 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.

* * * * *

10 National Parks Advisory Council

(1) For the purposes of this Act, there is a National Parks Advisory Council consisting of 10 members of whom—

- (a) one is the Secretary or his or her nominee;
- (b) one is the Director;
- (c) eight are appointed by the Governor in Council of whom—
 - (i) two must be persons with skills or experience relating to the preservation and the protection of parks;
 - (ii) one must be a person who is a professor or teacher of ecology, biology or earth science at a university in Victoria;
 - (iii) one must be a person with experience in local government who resides in a municipality in which there is a park;
 - (iv) four must be persons (at least two of whom reside outside the metropolitan area) with experience in matters affecting the interests of the community.

S. 10 amended by Nos 44/1986 s. 5(1), 45/1987 s. 205(Sch. item 100), 66/2000 s. 38(1)(2), 74/2000 s. 3(Sch. 1 item 87.1), substituted by No. 64/2004 s. 3, amended by No. 85/2006 s. 173(Sch. 1 item 8.3) (ILA s. 39B(1)).

S. 10(1)(c)(iv) amended by No. 85/2006 s. 173(Sch. 1 item 8.2).

(2) In this section *metropolitan area* means—

- (a) *metropolitan area* within the meaning of section 201 of the **Melbourne and Metropolitan Board of Works Act 1958** (as in force immediately before its repeal); or
- (b) any area declared by the Governor in Council under subsection (3) to be the metropolitan area.

S. 10(2) inserted by No. 85/2006 s. 173(Sch. 1 item 8.3).

(3) The Governor in Council may, by Order published in the Government Gazette, declare an area to be the metropolitan area for the purposes of this section.

S. 10(3) inserted by No. 85/2006 s. 173(Sch. 1 item 8.3).

S. 10(4)
inserted by
No. 85/2006
s. 173(Sch. 1
item 8.3).

- (4) An Order made under subsection (3) may apply, adopt or incorporate any matter contained in any document formulated, issued, prescribed or published by any person, whether—
- (a) wholly or partially or as amended by order or other instrument; or
 - (b) as formulated, issued, prescribed or published at the time the order is made or at any time before then.

S. 10(5)
inserted by
No. 85/2006
s. 173(Sch. 1
item 8.3),
amended by
No. 79/2013
s. 17.

- (5) Subsection (4) does not apply to the incorporation of a map or plan of an area of land unless the map or plan is lodged in the Central Plan Office.

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;

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

- (aa) to advise the Minister on any proposed excision from a park referred to it by the Minister;

S. 11(1)(b)
repealed by
No. 64/2004
s. 4.

* * * * *

- (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 subsection (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.

(3) The Minister must cause a copy of any advice received under subsection (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).

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S. 12
amended by
Nos 9114 s. 5,
9212 s. 2(2),
9570 s. 11(1),
41/1987
s. 103(Sch. 4
items 49.3,
49.4), 38/1995
s. 21(a),
repealed by
No. 64/2004
s. 5.

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.

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

(2) The Governor in Council may remove a member of the Council from office.

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

(3) A member of the Council may resign his office by writing signed by him and delivered to the Governor in Council.

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

(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 prescribed¹.

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).

(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 Council².

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

(5A) Subsections (1), (2), (3), (4) and (5) do not apply to the Secretary and to the Director.

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

(6) Meetings of the Council shall be convened by the Convenor³.

(7) At a meeting a quorum is constituted by a majority of the members of the Council for the time being holding office.

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

(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 meeting⁴.

(9) Subject to this Act and the regulations, the Council may regulate its proceedings.

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.

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

(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 Convenor⁵.

(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 Convenor⁶.
- (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 meeting⁷.
- (9) Subject to this Act and the regulations, a committee may regulate its proceedings.

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

S. 14(8)
amended by
No. 10166
s. 7(2).

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.

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

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

No. 8083
s. 12(8).

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.

S. 16A
inserted by
No. 70/1998
s. 6,
amended by
Nos 40/2002
s. 5, 82/2009
s. 4 (ILA
s. 39B(1)).

16A Secretary may enter into management agreements

- (1) 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(1A)
inserted by
No. 62/2010
s. 125(1).

- (1A) An agreement under subsection (1) may specify the functions, powers or duties in relation to the management of the land that are to be carried out by Parks Victoria.

S. 16A(1B)
inserted by
No. 62/2010
s. 125(1).

- (1B) An agreement under subsection (1) must not extend to the carrying out of any function, power or duty in relation to the management of land that is conferred on a Traditional Owner Land Management Board.

- (2) The Secretary may enter into a management agreement with a Traditional Owner Land Management Board for or relating to—
- (a) the management of any land in a park that is appointed land of that Board; or
 - (b) the carrying out of specified functions, powers or duties in relation to the management of any land in a park, that is appointed land of that Board.

S. 16A(2)
inserted by
No. 82/2009
s. 4.

- (2A) An agreement under subsection (2) must not extend to the carrying out of any function, power or duty in relation to the management of land that is conferred on Parks Victoria.

S. 16A(2A)
inserted by
No. 62/2010
s. 125(2).

- (3) In entering into a management agreement under subsection (2), the Secretary must have regard to any agreement entered into under Division 5 of Part 8A of the **Conservation, Forests and Lands Act 1987** in relation to the land.

S. 16A(3)
inserted by
No. 82/2009
s. 4.

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S. 16A(4)
inserted by
No. 82/2009
s. 4,
repealed by
No. 62/2010
s. 125(3).

16B Land to be managed consistently with joint management plan

S. 16B
inserted by
No. 62/2010
s. 126.

If any appointed land of a Traditional Owner Land Management Board constitutes the whole or any part of a park under this Act, the person responsible for the management of that appointed land under this Act must ensure that the land is managed in a way that is not inconsistent with any joint management plan for the land.

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.

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

(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.

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

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

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

National Parks Act 1975
No. 8702 of 1975
Part III—National parks, State parks and other parks

- (v) preserve and protect wilderness areas in the park and features in the park of scenic, archaeological, ecological, geological, historic or other scientific interest;
- (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; S. 17(2)(aa) inserted by No. 50/2002 s. 4(1).
- (b) ensure that appropriate and sufficient measures are taken to protect each national park and State park from injury by fire; S. 17(2)(b) amended by No. 38/1989 s. 18(2)(b).
- (ba) ensure that appropriate and sufficient measures are taken (including seeking the making of an appropriate agreement under section 32I(1))— S. 17(2)(ba) inserted by No. 57/1995 s. 6(1).
- (i) to protect designated water supply catchment areas; and
- (ii) to maintain the water quality of and otherwise protect the water resources in those areas; and
- (iii) to restrict human activity in those areas for the purposes of subparagraphs (i) and (ii);
- (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 S. 17(2)(c) amended by No. 38/1989 s. 18(2)(c).
- (d) prepare a plan of management in respect of each national park and State park. S. 17(2)(d) amended by No. 38/1989 s. 18(2)(d).
- (2AA) In the case of any appointed land of a Traditional Owner Land Management Board that constitutes the whole or a part of a national park or State S. 17(2AA) inserted by No. 62/2010 s. 127(1).

park, a management plan prepared under subsection (2)(d) does not have effect in so far as a joint management plan is in effect for that land.

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

- (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 subsection (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.

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

- (2B) A report prepared under subsection (2A) must—
- (a) set out the priorities for the achievement of the management objectives listed in subsection (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.

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

- (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.

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

- (4) It is sufficient compliance with subsection (3) for the Secretary to have entered into a management agreement with Melbourne Water Corporation under section 32I.

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).

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

- (3) Subject to subsection (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
Nos 70/1998
s. 14(Sch.
item 4),
62/2010
s. 127(2) (ILA
s. 39B(1)).

17B Management plans

- (1) 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.
- (2) In the case of any appointed land of a Traditional Owner Land Management Board that constitutes the whole or a part of a wilderness park, a management plan prepared under subsection (1) does not have effect in so far as a joint management plan is in effect for that land.

S. 17B(2)
inserted by
No. 62/2010
s. 127(2).

17C Prohibition on development and other activities

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

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.
- (2) Subsection (1) does not apply to—
- (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 S. 17C(2)(a) amended by No. 70/1998 s. 14(Sch. item 5).
 - (b) permanent survey markers existing at the date of commencement of section 6 of the **National Parks (Amendment) Act 1989**; or
 - (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 S. 17C(2)(c) amended by No. 70/1998 s. 14(Sch. item 5).
 - (d) any non-commercial mechanical activity approved by the Secretary; or S. 17C(2)(d) amended by No. 70/1998 s. 14(Sch. item 5).
 - (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 S. 17C(2)(e) amended by No. 70/1998 s. 14(Sch. item 5).
 - (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 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).

S. 17C(2)(g)
inserted by
No. 40/1992
s. 8(a).

(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.

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

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

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

Division 1B—Marine national parks and marine sanctuaries

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

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
- (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.
- (4) In the case of any appointed land of a Traditional Owner Land Management Board that constitutes the whole or a part of a marine national park or a marine sanctuary, a management plan prepared under subsection (3)(c) does not have effect in so far as a joint management plan is in effect for that land.

S. 17D(4)
inserted by
No. 62/2010
s. 127(3).

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

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

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 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 subsection (1) from injury by fire;
 - (c) promote and encourage the use and enjoyment of parks referred to in subsection (1) by the public; and
 - (d) prepare a plan of management in respect of each park referred to in subsection (1).
- (3) In the case of any appointed land of a Traditional Owner Land Management Board that constitutes the whole or a part of a park to which this section applies, a management plan prepared under subsection (2)(d) does not have effect in so far as a joint management plan is in effect for that land.

S. 18(3)
inserted by
No. 62/2010
s. 127(2).

Division 3—General provisions

19 Powers of Minister

No. 8083 s. 6.

(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.

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S. 19(2)
amended by
Nos 44/1986
s. 6(i)(ii),
38/1989 s. 7,
repealed by
No. 45/2013
s. 4.

* * * * *

S. 19(2A)
inserted by
No. 9114 s. 6,
re-numbered
as s. 19(3) by
No. 9570
s. 4(a),
repealed by
No. 45/2013
s. 4.

- (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

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

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).

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

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 **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 subsection (1)—
- (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—
 - (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.

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

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

19A Management agreements with Trust for Nature

S. 19A
(Heading)
inserted by
No. 54/2008
s. 4.

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 to make provisions in relation to a park and the land is suitable to be a park or part of a park under

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

this Act the Minister may enter into an agreement with the Trust for the management of the land by the Secretary.

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

- (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.

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

- (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

S. 19A(2A)(b)
amended by
Nos 38/1989
s. 8, 45/2013
s. 5, 54/2015
s. 3, 12/2016
s. 28(a).

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

S. 19A(2A)(c)
inserted by
No. 12/2016
s. 28(b).

(c) any or all of sections 141 to 149 of the **Land Act 1958**, 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.

S. 19A(4)
amended by
No. 70/1998
s. 14(Sch.
item 8).

- (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 subsection (1).

19B Secretary to manage reserved land

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

(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.

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

(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**.

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

(3) Notwithstanding the provisions of subsections (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.

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

(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 subparagraphs (ii) to (xi) of section 13(1) of the **Crown Land (Reserves) Act 1978** in relation to the land as if—

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

(a) any reference in that section to a committee of management were a reference to the Secretary; and

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

(b) any reference in that section to the land were a reference to land under this section.

S. 19B(5)
inserted by
No. 9570 s. 5,
amended by
No. 51/2016
s. 14(1).

- (5) Subsections (2A), (3A), (7) and (8) of section 13 of the **Crown Land (Reserves) Act 1978** apply to regulations made under subsection (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 subsection (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.

Note to
s. 19B(5)
inserted by
No. 51/2016
s. 14(2).

Note

See section 34 of the **Crown Land (Reserves) Act 1978** for transitional provisions relating to penalties.

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).

- (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 subsection (4).

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

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

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

19C Minister may make management agreements with public authorities

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

- (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;
 - (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 S. 19C(2)(b)
amended by
No. 10166
s. 10.
 - (c) such of sections 17A, 17B, 17C, 19G, 19K, 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 S. 19C(2)(c)
amended by
Nos 38/1989
s. 9, 57/1995
s. 7, 45/2013
s. 6, 54/2015
s. 3.
 - (ca) any or all of sections 141 to 149 of the **Land Act 1958**, as the agreement specifically provides, have effect in and in respect of the land as if the land were part of the park specified in the agreement; and S. 19C(2)(ca)
inserted by
No. 12/2016
s. 29.
 - (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. S. 19C(2)(d)
inserted by
No. 57/1995
s. 7.

S. 19C(3)
inserted by
No. 44/1986
s. 8,
amended by
No. 70/1998
s. 14(Sch.
item 10).

- (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.

S. 19C(4)
inserted by
No. 44/1986
s. 8,
amended by
No. 70/1998
s. 14(Sch.
item 10).

- (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.

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.

National Parks Act 1975

No. 8702 of 1975

Part III—National parks, State parks and other parks

- (2) The Secretary shall undertake the management of any land leased under subsection (1) as though it were part of the park to which it is adjacent and is specified in the lease. **S. 19E(2) amended by No. 70/1998 s. 14(Sch. item 11).**
- (3) Where any lease under subsection (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 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, 19G, 19K, 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; and **S. 19E(3)(c) amended by Nos 38/1989 s. 10, 45/2013 s. 7, 54/2015 s. 3, 12/2016 s. 30(a).**
- (d) any or all of sections 141 to 149 of the **Land Act 1958**, as the lease specifically provides, have effect in and in respect of the land as if the land were part of the park specified in the lease. **S. 19E(3)(d) inserted by No. 12/2016 s. 30(b).**

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

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

S. 19F(1)
amended by
Nos 44/1986
s. 9(a),
70/1998
s. 14(Sch.
item 12),
12/2016
s. 31(1).

- (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 or any or all of sections 141 to 149 of the **Land Act 1958** as are specified in the Order are to apply.

- (2) An Order made pursuant to subsection (1) may amend Schedule Four or that Schedule as so amended—

S. 19F(2)(a)
amended by
No. 12/2016
s. 31(1).

- (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 or any or all of sections 141 to 149 of the **Land Act 1958** that shall apply to the land;

S. 19F(2)(b)
amended by
Nos 38/1989
s. 35(a)(i),
12/2016
s. 31(2).

- (b) by altering any item in the Schedule, whether with respect to the land or the provisions of the Act or the regulations or any or all of sections 141 to 149 of the **Land Act 1958** which are to apply to the land;

- (c) by revoking any item in the Schedule—

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

- (3) Where any land is included in Schedule Four—
- S. 19F(3)
amended by
Nos 38/1989
s. 35(a)(ii),
74/2000
s. 3(Sch. 1
item 87.3),
57/2006 s. 4.
- (a) the provisions of this Act or any regulations made pursuant to the Act or sections 141 to 149 of the **Land Act 1958** shall not apply to the land except as specifically provided in Schedule Four;
- S. 19F(3)(a)
amended by
Nos 38/1989
s. 35(a)(ii),
74/2000
s. 3(Sch. 1
item 87.3),
12/2016
s. 31(3)(a).
- (b) those provisions of the Act or any or all of sections 141 to 149 of the **Land Act 1958** which are specified in Schedule Four to apply to the land shall apply to the land as though it were a park.
- S. 19F(3)(b)
amended by
Nos 38/1989
s. 35(a)(ii),
74/2000
s. 3(Sch. 1
item 87.3),
12/2016
s. 31(3)(b).
- (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 or sections 141 to 149 of the **Land Act 1958** 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
- S. 19F(6)
inserted by
No. 44/1986
s. 9(b),
amended by
No. 12/2016
s. 31(4).

an express term or condition to the contrary in the agreement or lease.

S. 19G
inserted by
No. 45/2013
s. 8.

19G Power of Minister to grant leases not exceeding 21 years

S. 19G(1)
amended by
No. 54/2015
s. 4.

- (1) Subject to this Act, after consulting the National Parks Advisory Council, the Minister may grant a lease to a person of any land in any park or any land that is described in Schedule Four other than—
 - (a) a wilderness park described in Schedule Two A;
 - (b) a wilderness zone described in Schedule Five;
 - (c) a remote and natural area described in Schedule Six;
 - (d) a designated water supply catchment area;
 - (e) a natural catchment area described in Schedule 2 to the **Heritage Rivers Act 1992** that is located in a park;
 - (f) a reference area.
- (2) A lease under subsection (1)—
 - (a) must be granted in writing; and
 - (b) is subject to any rent or other charges and terms and conditions determined by the Minister; and
 - (c) must not be for a term of more than 21 years.
- (3) The purpose of a lease under subsection (1)—
 - (a) must be consistent with the objects of this Act in relation to the land; and

(b) may be for the occupation of buildings or the construction and occupation of buildings, including buildings providing accommodation, but not for the purpose of industrial or residential use.

(4) For the purposes of subsection (2)(b), the Minister must ensure that the lease is subject to conditions that prevent or minimise any adverse impact on the park (including its natural, indigenous, historic, cultural, landscape and recreational values) by the development or use of the land that is permitted under the lease.

* * * * * S. 19H
inserted by
No. 45/2013
s. 8,
repealed by
No. 54/2015
s. 5.

* * * * * S. 19I
inserted by
No. 45/2013
s. 8,
repealed by
No. 54/2015
s. 5.

* * * * * S. 19J
inserted by
No. 45/2013
s. 8,
repealed by
No. 54/2015
s. 5.

19K Power of Minister to grant licences associated with leases S. 19K
inserted by
No. 45/2013
s. 8.

(1) If a lease is granted to a person under section 19G, the Minister may grant the person a licence to use any land, building, improvements or works in the vicinity of, or connected with, the land that is subject to the lease. S. 19K(1)
amended by
No. 54/2015
s. 6.

- (2) A licence under subsection (1) may be granted—
- (a) at the same time as the lease to which it relates is granted; or
 - (b) after the lease to which it relates is granted.
- (3) A licence under subsection (1)—
- (a) must be for the same or a related purpose for which the land is leased; and
 - (b) must be granted in writing; and
 - (c) may be for the whole or part of the term of the lease; and
 - (d) is subject to any fees and other charges and terms and conditions determined by the Minister.
- (4) For the purposes of subsection (3)(d), the Minister must ensure that the licence is subject to conditions that prevent or minimise any adverse impact on the park (including its natural, indigenous, historic, cultural, landscape and recreational values) by the development or use of the land that is permitted under the licence.

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 subsection (2), promote research study or investigation of matters that relate to the objects of this Act; and

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

(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).

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

(2) Where the Secretary promotes research study or investigation under subsection (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(2) amended by No. 70/1998 s. 14(Sch. item 13).

21 Secretary may grant certain permits etc.

Cf. No. 8083 s. 7.

(1) Subject to this Act, the Secretary may, in respect of a park—

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

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

* * * * *

S. 21(1)(b) amended by Nos 9114 s. 8(a), 38/1989 s. 11(1), repealed by No. 12/2016 s. 32.

National Parks Act 1975
No. 8702 of 1975
Part III—National parks, State parks and other parks

S. 21(1)(c)
amended by
No. 9114
s. 8(b),
substituted by
No. 9570
s. 11(5),
amended by
No. 40/2009
s. 36(1).

(c) grant to a person a permit to carry on a trade or business in the park other than a trade or business in the park to which Division 3A applies—

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

(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

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

(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.

Note to
s. 21(1)
inserted by
No. 40/2009
s. 36(2).

Note

See Division 3A for the grant of tour operator licences to conduct organised tours or recreational activities in a park.

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

(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 subsection (1) are or are to be subject.

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

(2A) A permit granted under subsection (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.

- (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 subsection (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

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

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

manner that will protect and preserve the natural environment of the area, including indigenous flora and fauna and features of ecological, geological, scenic, archaeological, historic or scientific significance.

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

- (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 subsection (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. 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).

- (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. item 16).
- (4) The Secretary may, in a remote and natural area, do anything which he or she considers necessary for— S. 21D(4) amended by No. 70/1998 s. 14(Sch. item 16).

National Parks Act 1975

No. 8702 of 1975

Part III—National parks, State parks and other parks

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

- (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.
- (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.

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".
- (3) Lands declared under subsection (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 subsection (4A) or has been declared under subsection (5) to be a wilderness zone—
- (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.
- (4B) Subsection (4A) does not affect or limit the Governor in Council's power to declare land to be a wilderness zone.
- (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
- S. 22(2)
amended by
No. 38/1989
s. 12(2).
- S. 22(4)
inserted by
No. 38/1989
s. 12(1),
amended by
No. 40/1992
s. 10(2)(a).
- S. 22(4A)
inserted by
No. 40/1992
s. 10(1).
- S. 22(4B)
inserted by
No. 40/1992
s. 10(1).
- S. 22(4C)
inserted by
No. 40/1992
s. 10(1).

commencement of Part 2 of the **National Parks (Wilderness) Act 1992**.

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

- (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.

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

- (6) The Governor in Council may by proclamation published in the Government Gazette declare that specified land forming a wilderness zone under subsection (4A) or (5) or part of a wilderness zone cease to form that zone or part.

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

- (7) A proclamation under subsection (5) or (6) does not have effect unless approved by resolutions of both Houses of the Parliament.

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

- (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 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

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

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

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).

* * * * *

S. 22C
inserted by
No. 40/1992
s. 11,
repealed by
No. 35/2005
s. 4.

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).

Cf. No. 8083
s. 7.

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.

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

Cf. No. 8083
s. 7.

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.

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

Cf. No. 8083
s. 7.

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—

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).

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

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

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

* * * * *

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

25A Continuation of existing uses

- (1) 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.
- (2) In this section, *recommendation* does not include any recommendation as to the continuation of grazing on any land in the park described in Part 37 of Schedule Two.

S. 25A
inserted by
No. 9114 s. 9,
amended by
Nos 9427
s. 6(1)(Sch. 5
item 118),
35/2005 s. 5
(ILA s. 39B(1)).

S. 25A(2)
inserted by
No. 35/2005
s. 5.

S. 25B
inserted by
No. 9247 s. 9,
amended by
Nos 9570
s. 12, 10166
s. 13, 7/1987
s. 5, 41/1987
s. 103(Sch. 4
items 49.7,
49.8), 7/1988
s. 5, 37/1989
s. 4, 38/1989
s. 18(3)(e),
7/1997 s. 4,
70/1998
s. 14(Sch.
items 19–21),
76/1998 s. 14,
50/2002 s. 5,
48/2004 s. 136,
substituted by
No. 64/2004
s. 6.

25B Harvesting of a pine plantation in Lake Eildon National Park

Where the harvesting of a pine plantation is authorised by Part 7 of Schedule Two, the Secretary, with the consent of the Minister, may grant a licence to any person to take, sell or otherwise dispose of any such pine plantation, subject to such covenants, terms and conditions as are prescribed and subject to the payment of such rent, fees, royalties or charges as the Secretary determines.

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

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

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

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—

- (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 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).

27 Rights of public authorities in respect of parks

Cf. No. 8083
s. 15.

- (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

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).

powers may substantially affect a park unless the Governor in Council has determined that the consent should be given.

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

- (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 subsection (2) applies, as are determined by the Governor in Council; and
 - (b) in any other case, as the Secretary determines.

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

S. 27(4)
inserted by
No. 12/2004
s. 165(1).

- (4) This section is not subject to the **Road Management Act 2004** and prevails over that Act to the extent of any inconsistency.

S. 27(5)
inserted by
No. 43/2015
s. 38(1).

- (5) This section does not apply in relation to the Victoria State Emergency Service Authority established under section 4 of the **Victoria State Emergency Service Act 2005** or any person referred to in section 32AA of that Act exercising a power of entry under section 32AB of that Act or a power to construct, remove or alter a levee or remove debris under section 32AC of that Act.

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)).

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**.

- (2) An agreement under subsection (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 subsection (1), an agreement under that subsection 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**.

- (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.

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.

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.

S. 27C
repealed.⁸

* * * * *

Pt 3 Div. 3A
(Heading and
ss 27C–27L)
inserted by
No. 40/2009
s. 37.

Division 3A—Tour operator licences

New. s. 27C
inserted by
No. 40/2009
s. 37.

27C Offence to conduct organised tour or recreational activity in a park if unlicensed

- (1) A person must not conduct an organised tour or recreational activity for profit in a park unless that person holds a tour operator licence.

Penalty: In the case of a natural person,
20 penalty units;

In the case of a body corporate,
100 penalty units.

- (2) Subsection (1) does not apply to a person who conducts an activity in a park and who holds a lease, licence (other than a tour operator licence) or permit under this Act or the regulations to conduct that particular activity.
- (3) On the recommendation of the Minister, the Governor in Council may, by Order published in the Government Gazette, exempt classes of persons from the requirement to hold a tour operator licence under subsection (1).

27D Grant of tour operator licence

- (1) The Secretary may grant a licence to a person to conduct an organised tour or recreational activity for profit in a park to a person who has applied under section 27E.
- (2) The Secretary may grant a licence under subsection (1) for a period not exceeding 10 years.

S. 27D
inserted by
No. 40/2009
s. 37.

27E Application for tour operator licence

- (1) A person may apply for a tour operator licence to the Secretary.
- (2) An application under subsection (1) must be accompanied by the fee payable for the first year of the licence as determined in accordance with the regulations unless the regulations otherwise provide.
- (3) The fee paid by a person under subsection (2) must be refunded to the person if the person is not granted a tour operator licence under section 27D.

S. 27E
inserted by
No. 40/2009
s. 37.

27F Requirement to pay annual fees after grant of tour operator licence

- (1) If the regulations provide for the determination of an annual licence fee for a tour operator licence or a class of tour operator licence, the holder of such a licence must pay the fee determined in accordance with the regulations in respect of each year for which the licence is in force.
- (2) A licence fee to which subsection (1) applies is payable at the time specified in the regulations.

S. 27F
inserted by
No. 40/2009
s. 37.

27G Tour operator licence conditions

A tour operator licence is subject to—

- (a) any conditions, determined by the Secretary, that are specified or referred to in the licence; and

S. 27G
inserted by
No. 40/2009
s. 37.

(b) any prescribed conditions.

S. 27H
inserted by
No. 40/2009
s. 37.

27H Contravention of condition an offence

The holder of a tour operator licence must not contravene the conditions of the licence.

Penalty: In the case of a natural person,
20 penalty units;

In the case of a body corporate,
100 penalty units.

S. 27I
inserted by
No. 40/2009
s. 37.

27I Variation of tour operator licence

- (1) The holder of a tour operator licence may apply to the Secretary for a variation of the licence or a condition of the licence.
- (2) On receiving the application under subsection (1), the Secretary may vary the licence or condition in accordance with the application.
- (3) A variation made by the Secretary under subsection (2) has effect on the Secretary giving written notice of the variation to the licence holder.
- (4) The Secretary may vary a tour operator licence, or vary a condition of that licence, of the Secretary's own motion if the Secretary is of the opinion that a variation is required.
- (5) A variation made by the Secretary under subsection (4) has effect on the Secretary giving written notice of the variation to the licence holder.

S. 27J
inserted by
No. 40/2009
s. 37.

27J Suspension of tour operator licence

- (1) If the Secretary is satisfied that there are reasonable grounds to do so, the Secretary may suspend the tour operator licence by notice in writing given to the holder of the licence.

- (2) A suspension under this section has effect—
 - (a) from the time specified in the notice under subsection (1), which must be no earlier than the day after the day the notice is given; and
 - (b) subject to section 27K, for the period (not exceeding 90 days) specified in the notice.
- (3) In addition to the details required under subsection (2), a notice of suspension of licence given under subsection (1) must—
 - (a) state that the holder of the tour operator licence may make submissions regarding the suspension under section 27K;
 - (b) specify a date or period by which the submissions must be made.

27K Making submissions on suspension

- (1) The holder of a tour operator licence whose licence has been suspended under section 27J may make written submissions in respect of that suspension to the Secretary within the period specified in the notice of suspension of licence.
- (2) The Secretary must review the decision to suspend the licence on receipt of any submissions made under subsection (1).
- (3) In carrying out a review under subsection (2), the Secretary—
 - (a) must have regard to the submissions made under subsection (1); and
 - (b) may decide to continue, revoke or amend the suspension.
- (4) The Secretary must notify the person whose licence has been suspended of the outcome of review.

**S. 27K
inserted by
No. 40/2009
s. 37.**

S. 27L
inserted by
No. 40/2009
s. 37.

27L Cancellation of tour operator licence

- (1) The Secretary may cancel a tour operator licence if the Secretary is satisfied, on reasonable grounds, that—
 - (a) the holder of the licence has been found guilty of an offence against this Act or the regulations; or
 - (b) the holder of the licence has contravened a condition of the licence.
- (2) Before cancelling a tour operator licence, the Secretary must—
 - (a) notify the holder that he or she proposes to cancel the licence; and
 - (b) allow the holder of the licence an opportunity to make either oral or written submissions.
- (3) Submissions under subsection (2) must be made within the period specified in the notice.
- (4) In making a decision as to whether or not to cancel a tour operator licence, the Secretary must—
 - (a) have regard to any submissions made under subsection (2) within the period specified in the notice; and
 - (b) must notify the holder of the Secretary's decision.
- (5) The cancellation of a licence has effect from the time specified in the notice of the Secretary's decision under subsection (4), which must be after the day on which the notice is given.

Division 4—Special provisions relating to particular parks

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)).

28 Introduction or use of cattle in specific parks

No. 6642.

- (1) Nothing in this Act authorises a relevant person or body exercising a power or performing a function or duty under this Act or under the **Conservation, Forests and Lands Act 1987** to introduce or use, cause to be introduced or used or authorise the introduction or use of cattle for any purpose in a park described in Part 9, 37, 38, 46, 47, 48 or 49 of Schedule Two.

S. 28
amended by
Nos 9921
s. 255, 44/1989
s. 41(Sch. 2
item 29.3),
104/1997
s. 53(2),
repealed by
82/2009 s. 5,
new s. 28
inserted by
No. 16/2015
s. 4.

- (2) In subsection (1), *relevant person or body* means the following—
- (a) the Minister (except when exercising a power under section 30BA, 30I or 30L);
 - (b) the Secretary;
 - (c) Parks Victoria within the meaning of the **Parks Victoria Act 1998**;
 - (d) a Traditional Owner Land Management Board;
 - (e) an employee, agent or contractor of a person or body referred to in paragraph (a), (b), (c) or (d) or a person acting under the direction of that person or body.

S. 29
(Heading)
inserted by
No. 43/2012
s. 3(Sch.
item 34.1).
Nos 7148,
7928.

29 Wilsons Promontory National Park

S. 29(1)
amended by
No. 43/2012
s. 3(Sch.
item 34.2).

- (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 Wilsons Promontory National Park.

S. 29(2)–29(6)
repealed.⁹

* * * * *

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.

29A Lighthouse leases—Wilsons Promontory National Park

- (1) The Minister may lease any lighthouse land for similar purposes to the purposes of the leases referred to in subsection (3).
- (2) A lease granted under subsection (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;
- (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 subsection (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 subsection (3).

S. 29B
inserted by
No. 60/2005
s. 4.

29B Lighthouse leases—Great Otway National Park

S. 29B(1)(2)
repealed by
No. 45/2013
s. 9.

* * * * *

- (3) The coming into operation of section 16(5) of the **National Parks (Otways and Other Amendments) Act 2005** 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 at Cape Otway, being Crown Allotment 44E, Parish of Otway; and
- (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 at Cape Otway, being Lot 44C on Consolidated Plan 116404; and

- (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 at Cape Otway, being Lot 44D on Consolidated Plan 116402; and
 - (d) the lease between the Minister for Conservation and Land Management on behalf of the Lighthouse Reserves Committee of Management to Tourism Great Ocean Road Pty. Ltd. (ACN 074 746 802) with a commencement date of 1 January 1997 over land at Cape Otway and as subsequently varied.
- (4) A lease referred to in subsection (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) The lease referred to in subsection (3)(d)—
- (a) is deemed to be and to always have been granted by the Lighthouse Reserves Committee of Management; and
 - (b) on and from the commencement of this section, is deemed to have effect as if any reference in the lease to the "Minister" were a reference to the Minister administering this Act.
- (6) In this section *Cape Otway lighthouse area* means the area shown hatched on the plan numbered N.P. 111B lodged in the Central Plan Office.

30 Point Nepean National Park

No. 7928.
S. 30
amended by
No. 9114
s. 12(a)(b),
substituted by
No. 7/1988
s. 6.

- (1) The Minister shall consult with any Minister, 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 44 of Schedule Two.

S. 30(2)
amended by
No. 38/1989
s. 24(a),
repealed by
No. 64/2004
s. 7.

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S. 30(3)
inserted by
No. 38/1989
s. 24(b),
amended by
Nos 43/1990
ss 12, 13(1),
43/2005
ss 3(2), 7,
repealed by
No. 48/2009
s. 4(2).

* * * * *

30AAA Leases in Point Nepean National Park

S. 30AAA
inserted by
No. 48/2009
s. 5.

S. 30AAA(1)
amended by
No. 79/2013
s. 18.

- (1) After consulting the National Parks Advisory Council, the Minister may lease any area of land in the park described in Part 44 of Schedule Two which is shown hatched on the plan lodged in the Central Plan Office and numbered N.P. 110/2.

National Parks Act 1975

No. 8702 of 1975

Part III—National parks, State parks and other parks

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- (2) A lease under subsection (1) must be for a purpose or purposes which the Minister considers are not detrimental to the protection of the park, including its natural, indigenous, historic, cultural, landscape and recreational values. **S. 30AAA(2) amended by No. 45/2013 s. 10(1).**
- (3) Subject to subsection (2), the purpose of a lease under subsection (1) may be for the occupation of buildings or the construction and occupation of buildings, including buildings providing accommodation, but not for the purpose of industrial or residential use.
- (4) A lease under subsection (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 any rent and other charges and terms and conditions determined by the Minister.
- (5) For the purposes of subsection (4)(c), the Minister must ensure that the lease is subject to conditions that prevent or minimise any adverse impact on the park (including its natural, indigenous, historic, cultural, landscape and recreational values) by the development or use of the land that is permitted under the lease. **S. 30AAA(5) substituted by No. 45/2013 s. 10(2).**

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S. 30AAAB inserted by No. 45/2013 s. 11, repealed by No. 54/2015 s. 7.

S. 30AAAC
(Heading)
amended by
No. 54/2015
s. 8(1).

30AAAC Power of Minister to grant leases more than 21 years but not exceeding 50 years—Point Nepean National Park

S. 30AAAC
inserted by
No. 45/2013
s. 11.

S. 30AAAC(1)
substituted by
No. 54/2015
s. 8(2).

- (1) The Minister may grant a lease for a term of more than 21 years but not exceeding 50 years of any area of land which may be leased under section 30AAA if the Minister—
- (a) has consulted the National Parks Advisory Council; and
 - (b) is satisfied that—
 - (i) the proposed use, development, improvements or works that are to be the subject of the lease are of a substantial nature and of a value which justifies a longer term lease; and
 - (ii) the granting of a longer term lease is in the public interest.
- (2) Section 30AAA(2), (3), (4)(a) and (c) and (5) apply to a lease granted under this section.

S. 30AAD
inserted by
No. 45/2013
s. 11,
repealed by
No. 54/2015
s. 9.

* * * * *

S. 30AAB
inserted by
No. 48/2009
s. 5.

30AAB Licences associated with lease—Point Nepean National Park

S. 30AAB(1)
amended by
Nos 45/2013
s. 12(1),
79/2013 s. 18.

- (1) Where land is leased to a person under section 30AAA or 30AAAC, the Minister may grant a licence to that person to use any land,

building, improvements or works in the area of the park described in Part 44 of Schedule Two which is shown hatched on the plan lodged in the Central Plan Office and numbered N.P. 110/2.

- (2) A licence under subsection (1)—
- (a) must be for the same or a related purpose to the purpose for which the land is leased; and
 - (b) must be granted in writing; and
 - (c) may be for the whole or part of the term of the lease; and S. 30AAB(2)(c) amended by No. 45/2013 s. 12(2).
 - (d) is subject to any fees and other charges and terms and conditions determined by the Minister.
- (3) A licence under subsection (1) may be granted—
- (a) at the same time as the lease to which it relates is granted; or S. 30AAB(3) inserted by No. 45/2013 s. 12(3).
 - (b) after the lease to which it relates is granted.
- (4) For the purposes of subsection (2)(d), the Minister must ensure that the licence is subject to conditions that prevent or minimise any adverse impact on the park (including its natural, indigenous, historic, cultural, landscape and recreational values) by the development or use of the land that is permitted under the licence. S. 30AAB(4) inserted by No. 45/2013 s. 12(3).
- 30AAC General licences—Point Nepean National Park** S. 30AAC inserted by No. 48/2009 s. 5.
- (1) The Minister may grant a licence to a person to occupy or use any land in the area of the park described in Part 44 of Schedule Two which is shown hatched on the plan lodged in the Central Plan Office and numbered N.P. 110/2. S. 30AAC(1) amended by No. 79/2013 s. 18.

- (2) A licence under subsection (1)—
- (a) must be for a purpose or purposes which the Minister considers are consistent with the objects of the **National Parks Act 1975** in relation to the land; and
 - (b) must be granted in writing; and
 - (c) must not be for a term of more than 7 years; and
 - (d) is subject to any fees and other charges and terms and conditions determined by the Minister.

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

30A Operations in the Alpine National Park

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).

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

- (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) Subsection (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 subsection (1)—
- (a) must be granted in writing; and
- (b) is subject to any terms and conditions determined by the Minister.
- (3) A lease under subsection (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 subsection (1) for a stratum of land unless he or she is satisfied that—
- 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).
- S. 30AA(3) inserted by No. 48/1996 s. 33(2).
- S. 30AA(4) inserted by No. 48/1996 s. 33(2).

- (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.

S. 30AA(5)
inserted by
No. 48/1996
s. 33(2).

- (5) The granting under subsection (1) of a lease of a stratum of land is conclusive proof of compliance with subsection (4) in respect of the lease.

S. 30AA(6)
inserted by
No. 55/1997
s. 30(1),
amended by
No. 69/2000
s. 61(4).

- (6) In this section, *generation company* has the same meaning as in the **Electricity Industry Act 2000**.

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 subsection (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 subsection (1) must contain provisions with respect to the protection and conservation of the land subject to the agreement.

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

(3) In this section *generation company* has the same meaning as in the **Electricity Industry Act 2000**.

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

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

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

(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.

(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.

S. 30BA
inserted by
No. 35/2005
s. 6.

30BA Rights to move cattle through the Alpine National Park

- (1) If a person holds a fee simple interest in land that abuts or is surrounded by land that is part of the park described in Part 37 of Schedule Two, the Minister may, in writing, grant to that person a reasonable right to move cattle to or from the land in which the person holds the interest directly through the park along the route specified by the Minister (not being a route through a wilderness zone or reference area) if the Minister is satisfied that there is no practical alternative route outside the park for moving the cattle.
- (2) If a person holds a licence to graze cattle on Crown land, the Minister may, in writing, grant to that person a reasonable right to move cattle to or from the land over which the person holds the licence directly through the park described in Part 37 of Schedule Two, along the route specified by the Minister (not being a route through a wilderness zone or reference area) if the Minister is satisfied that there is no practical alternative route outside the park for moving the cattle.
- (3) The Minister may, in the document granting a right under this section—
 - (a) impose any terms and conditions that the Minister determines; and
 - (b) specify that the person is exempt from any regulation applying to the park.

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

30C Protection of life occupancies in Alpine National Park

- (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 subsection (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 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 subsection (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.

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

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

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.

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

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 subsection (1) is subject to any terms and conditions determined by the Minister.
- (3) For the purpose of allowing a person to exercise a right of access under subsection (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 in relation to certain parks

S. 30G
(Heading)
substituted by
No. 82/2009
s. 6(1).
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 38, 40, 41, 46, 47, 48 or 49 of Schedule Two, Part 37 of Schedule Two B, Part 11, 16, 17 or 18 of Schedule Three or Part 8 of Schedule Four.
- (2) An authority under subsection (1) may be granted for the term determined by the Minister.
- (3) An authority under subsection (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 subsection (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 subsection (1) must not transfer the authority unless the holder has first obtained the consent of the Minister.

S. 30G(1)
amended by
No. 82/2009
s. 6(2).

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S. 30G(6)(7)
repealed by
No. 82/2009
s. 6(3).

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

**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 subsection (1) may be granted for a term of not more than 3 years.
- (3) A licence under subsection (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 subsection (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 subsection (1) must not transfer the licence unless the holder has first obtained the consent of the Minister.
- (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.
- (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—

S. 30(4)(a)
amended by
Nos 60/2005
s. 5, 54/2008
s. 5,
substituted by
No. 82/2009
s. 7.

(a) Part 10, Part 17, Part 30, Part 31, Part 38,
Part 41, Part 42, Part 45, Part 46, Part 48 or
Part 49 of Schedule Two;

S. 30(4)(ab)
inserted by
No. 90/2009
s. 4(1).

(ab) Part 2 of Schedule Two;

S. 30(4)(b)
amended by
No. 7/2012
s. 3.

(b) Part 15, Part 26, Part 30, Part 37 or Part 39
of Schedule Two B;

S. 30(4)(ba)
inserted by
No. 90/2009
s. 4(2).

(ba) Part 1 or Part 12 of Schedule Three;

(c) Part 8 of Schedule Four.

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

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

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

- (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.
- (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 Right to move cattle through Barmah National Park

S. 30L
inserted by
No. 50/2002
s. 7,
repealed by
No. 64/2004
s. 8,
new s. 30L
inserted by
No. 82/2009
s. 8.

- (1) For the purpose of allowing a person to move cattle to an area surrounded by land that is part of the park described in Part 46 of Schedule Two, the Minister may, in writing, grant that person a right to move cattle through the park along the route specified by the Minister.
- (2) A right under this section is subject to any conditions that 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.

30M Works under water licences for certain parks

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 38, 40, 46, 47, 48 or 49 of Schedule Two, Part 37 of Schedule Two B or Part 11, 16, 17 or 18 of Schedule Three must not be issued except with the consent of the Minister

S. 30M
(Heading)
substituted by
No. 82/2009
s. 9(1).
S. 30M
inserted by
No. 50/2002
s. 7,
amended by
No. 82/2009
s. 9(2).

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,
amended by
No. 9570
s. 11(3),
repealed by
No. 54/2008
s. 7.

* * * * *

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,
amended by
No. 46/1998
s. 7(Sch. 1),
substituted by
No. 35/2010
s. 4.

31AA Leases in Mount Buffalo National Park

- (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 plans lodged in the Central Plan Office and numbered LEGL./10-107, LEGL./10-108 and LEGL./10-109.

National Parks Act 1975
No. 8702 of 1975
Part III—National parks, State parks and other parks

- (2) A lease under subsection (1) must be for a purpose or purposes which the Minister considers are not detrimental to the protection of the park, including its natural, indigenous, historic, cultural, landscape and recreational values. **S. 31AA(2) amended by No. 45/2013 s. 13(1).**
- (3) Subject to subsection (2), the purpose of a lease under subsection (1) may be for the occupation of buildings or the construction and occupation of buildings, including buildings providing accommodation, but not for the purpose of industrial or residential use.
- (4) A lease under subsection (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 any rent and other charges and terms and conditions determined by the Minister.
- (5) For the purposes of subsection (4)(c), the Minister must ensure that the lease is subject to conditions that prevent or minimise any adverse impact on the park (including its natural, indigenous, historic, cultural, landscape and recreational values) by the development or use of the land that is permitted under the lease. **S. 31AA(5) substituted by No. 45/2013 s. 13(2).**
- * * * * *
- S. 31AABA inserted by No. 45/2013 s. 14, repealed by No. 54/2015 s. 9.**

S. 31AABB
(Heading)
amended by
No. 54/2015
s. 10(1).

31AABB Power of Minister to grant leases more than 21 years but not exceeding 50 years—Mount Buffalo National Park

S. 31AABB
inserted by
No. 45/2013
s. 14.

S. 31AABB(1)
substituted by
No. 54/2015
s. 10(2).

- (1) The Minister may grant a lease for a term of more than 21 years but not exceeding 50 years of any area of land which may be leased under section 31AA if the Minister—
- (a) has consulted the National Parks Advisory Council; and
 - (b) is satisfied that—
 - (i) the proposed use, development, improvements or works that are to be the subject of the lease are of a substantial nature and of a value which justifies a longer term lease; and
 - (ii) the granting of a longer term lease is in the public interest.
- (2) Section 31AA(2), (3), (4)(a) and (c) and (5) apply to a lease granted under this section.

S. 31AABC
inserted by
No. 45/2013
s. 14,
repealed by
No. 54/2015
s. 11.

* * * * *

S. 31AAB
inserted by
No. 35/2010
s. 5.

31AAB Licences associated with lease—Mount Buffalo National Park

S. 31AAB(1)
amended by
No. 45/2013
s. 15(1).

- (1) Where land is leased to a person under section 31AA or section 31AABB, the Minister may grant a licence to that person to use any land,

building, improvements or works in the area of the park described in Part 17 of Schedule Two which is shown hatched on the plans lodged in the Central Plan Office and numbered LEGL./10-107, LEGL./10-108 and LEGL./10-109 or any land, building, improvement or works that is in the vicinity of, or connected with, that area.

- (2) A licence under subsection (1)—
- (a) must be for the same or a related purpose to the purpose for which the land is leased; and
 - (b) must be granted in writing; and
 - (c) may be for the whole or part of the term of the lease; and
 - (d) is subject to any fees and other charges and terms and conditions determined by the Minister.

- (3) A licence under subsection (1) may be granted—
- (a) at the same time as the lease to which it relates is granted; or
 - (b) after the lease to which it relates is granted.

S. 31AAB(3)
inserted by
No. 45/2013
s. 15(2).

- (4) For the purposes of subsection (2)(d), the Minister must ensure that the licence is subject to conditions that prevent or minimise any adverse impact on the park (including its natural, indigenous, historic, cultural, landscape and recreational values) by the development or use of the land that is permitted under the licence.

S. 31AAB(4)
inserted by
No. 45/2013
s. 15(2).

31AB Lease of O'Shannassy Lodge—Yarra Ranges National Park¹⁰

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

- (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 subsection (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),
substituted by
No. 80/2003
s. 182,
repealed by
No. 60/2005
s. 6(1).

S. 32A * * * * *

inserted by
No. 9114 s. 14,
amended by
Nos 43/1990
s. 16(1),
44/2001
s. 3(Sch.
item 86),
repealed by
No. 64/2004
s. 9.

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—

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

- (a) the land shall be used and managed subject to the terms of the lease referred to in subsection (1) as though the land was land described in Schedule Three;
- (b) the Governor in Council may make regulations in respect of the land subject to the lease referred to in subsection (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 subsection (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

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

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 Parts 28 and 29 or that right of access.

S. 32AD
inserted by
No. 37/1989
s. 7,
amended by
No. 70/1998
s. 14(Sch.
item 25),
repealed by
No. 35/2005
s. 7.

* * * * *

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

32AE Advisory Committee

- (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 consists of 16 persons appointed by the Minister comprising—
- (a) a person to be the chairperson;
 - (b) five persons who have skills or experience relating to the preservation and protection of the park;
 - (c) five persons who have skills or experience relating to the recreational use of the park;
 - (d) one person who has skills or experience relating to commercial tourism activities in the park;

S. 32AE(3)
amended by
No. 57/1995
s. 33,
substituted by
No. 64/2004
s. 10.

- (e) two persons who have skills or experience relating to the grazing of cattle in the park;
- (f) two persons who have skills or experience in local government and who reside in municipalities in which any part of the park is situated.

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

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

- (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.

* * * * *

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

S. 32AH(1)(b)
amended by
No. 85/2006
s. 173(Sch. 1
item 8.4).

- 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 **Water Act 1989**, 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.

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.

32B Tenancies for surf lifesaving club purposes

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

- (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) Surf Life Saving 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 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 Surf Life Saving Victoria.
- (1A) The Minister may, in writing, grant tenancies of land in any specified park that is abutting on or adjacent to the coastline of Victoria to Surf Life Saving Victoria, for use, by the members of a club that is affiliated with Surf Life Saving Victoria, for surf lifesaving purposes.
- (2) A tenancy under subsection (1) or (1A)—
- (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;

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),
64/2004
s. 11(1)(a)(b).

S. 32B(1A)
inserted by
No. 64/2004
s. 11(2).

S. 32B(2)
amended by
No. 64/2004
s. 11(3).

(iii) subject to such terms conditions and covenants—

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

S. 32B(3)
amended by
No. 64/2004
s. 11(4).

- (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 subsection (1) or (1A) 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. 32B(4)
inserted by
No. 64/2004
s. 11(5).

- (4) In this section—

specified park means—

- (a) the park described in Part 4 of Schedule Two; or

* * * * *

S. 32B(4)(b)
repealed by
No. 60/2005
s. 6(2).

- (c) the park described in Part 15 of Schedule Three;

surf lifesaving purposes means purposes connected with the patrolling of any part of the coastline of Victoria by persons for the purpose of assisting other persons in difficulty in water and includes using land for accommodation and facilities associated with the patrolling and assisting activities;

Surf Life Saving Victoria means Surf Life Saving Victoria ACN 004 704 652.

National Parks Act 1975
No. 8702 of 1975
Part III—National parks, State parks and other parks

*	*	*	*	*	S. 32B(5) inserted by No. 64/2004 s. 11(5), repealed by No. 60/2005 s. 6(3).
*	*	*	*	*	S. 32C inserted by No. 9114 s. 15, amended by No. 57/1995 s. 35 (as amended by No. 74/2000 s. 3(Sch. 1 item 88.2)), repealed by No. 64/2004 s. 12.

32CA Arthurs Seat chairlift lease

S. 32CA
inserted by
No. 7/1997
s. 7,
substituted by
No. 7/2012
s. 4.

- (1) After consulting the National Parks Advisory Council, the Minister may lease any area of land in the park described in Part 2 of Schedule Two B which is land—
 - (a) shown hatched on the plan lodged in the Central Plan Office and numbered N.P. 36A; or
 - (b) delineated and coloured blue on that plan and is 6 metres or more above the land surface.
- (2) The purpose of a lease under subsection (1) may be for the purposes of a chairlift and associated visitor facilities.
- (3) A lease under subsection (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 any rent and other charges and terms and conditions determined by the Minister.

S. 32CA(4)
substituted by
No. 45/2013
s. 16.

- (4) For the purposes of subsection (3)(c), the Minister must ensure that the lease is subject to conditions that prevent or minimise any adverse impact on the park (including its natural, indigenous, historic, cultural, landscape and recreational values) by the development or use of the land that is permitted under the lease.

S. 32CB
inserted by
No. 45/2013
s. 17,
repealed by
No. 54/2015
s. 11.

* * * * *

S. 32CC
(Heading)
substituted by
No. 54/2015
s. 12(1).

32CC Power of Minister to grant leases more than 21 years but not exceeding 50 years—Arthurs Seat chairlift lease

S. 32CC
inserted by
No. 45/2013
s. 17.

S. 32CC(1)
substituted by
No. 54/2015
s. 12(2).

- (1) The Minister may grant a lease for a term of more than 21 years but not exceeding 50 years of any area of land which may be leased under section 32CA if the Minister—
- (a) has consulted the National Parks Advisory Council; and
 - (b) is satisfied that—
 - (i) the proposed use, development, improvements or works that are to be the subject of the lease are of a substantial nature and of a value which justifies a longer term lease; and
 - (ii) the granting of a longer term lease is in the public interest.
- (2) Section 32CA(2), (3)(a) and (c) and (4) apply to a lease granted under this section.

National Parks Act 1975
No. 8702 of 1975
Part III—National parks, State parks and other parks

*	*	*	*	*	S. 32CC(3) repealed by No. 54/2015 s. 12(3).
*	*	*	*	*	S. 32CD inserted by No. 45/2013 s. 17, repealed by No. 54/2015 s. 13.
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).
(a) the parks described in any of the following—					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).
(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—					S. 32D(1)(b) inserted by No. 10073 s. 8(1), substituted by No. 50/2002 s. 8(2).
(i) Part 31 of Schedule Two;					
(ii) Part 15 or 30 of Schedule Two B;					
(iii) Part 15 of Schedule Three—					

National Parks Act 1975
No. 8702 of 1975
Part III—National parks, State parks and other parks

- in which searching for gemstones under a miner's right or tourist fossicking authority will be permitted;
- 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), amended by No. 64/2004 s. 13.
- (c) the tidal zones of the park described in Part 4 of Schedule Two in which searching for gemstones under a miner's right or tourist fossicking authority will be permitted.
- 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).
- * * * * *
- S. 32D(2) substituted by No. 10073 s. 8(2), amended by Nos 70/1998 s. 14(Sch. item 27), 50/2002 s. 8(3).
- (2) Upon the designation of an area pursuant to subsection (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—
- to search for minerals in that area.
- S. 32D(3) substituted by No. 10073 s. 8(2), amended by No. 70/1998 s. 14(Sch. item 27).
- (3) Any permission or authorization given under subsection (2) shall be subject to any restrictions and conditions which the Secretary may determine.

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

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

* * * * *

S. 32E
inserted by
No. 7/1987
s. 7,
amended by
No. 57/1995
s. 37,
repealed by
No. 82/2009
s. 10.

* * * * *

S. 32F
inserted by
No. 7/1987
s. 7,
amended by
No. 46/1998
s. 7(Sch. 1),
repealed by
No. 82/2009
s. 11.

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

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

- (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.
- (2) A right of access under subsection (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 subsection (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.

National Parks Act 1975
No. 8702 of 1975
Part III—National parks, State parks and other parks

S. 32FA
inserted by
No. 57/1995
s. 38,
repealed by
No. 64/2004
s. 14.

* * * * *

S. 32G
inserted by
No. 7/1987
s. 7,
amended by
No. 57/1995
s. 39,
repealed by
No. 82/2009
s. 12.

* * * * *

S. 32H
(Heading)
inserted by
No. 60/2005
s. 7.

32H Protection of designated water supply catchment areas and their water resources

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

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

(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 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.

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

(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—

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

(a) protect that area; and

(b) maintain the water quality of and otherwise protect the water resources of that area.

32I Management agreements with managing water authorities

S. 32I
inserted by
No. 57/1995
s. 9,
amended by
No. 70/1998
s. 14(Sch.
item 29),
substituted by
No. 60/2005
s. 8.

(1) The Secretary may enter into an agreement with—

(a) Melbourne Water Corporation for the management by Melbourne Water Corporation of a Melbourne water supply catchment area; or

(b) Barwon Water for the management by Barwon Water of the Barwon water supply catchment area; or

(c) Wannon Water for the management by Wannon Water of the Wannon water supply catchment area.

S. 32I(1)(c)
substituted by
No. 90/2009
s. 5.

(2) An agreement under subsection (1)—

(a) must be in writing; and

(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; and

(c) may be amended from time to time or terminated by a further written agreement between the parties.

- (3) An agreement under subsection (1)—
- (a) must specify those duties, functions and powers imposed on the Secretary by or under this Act which may be carried out by the managing water authority that has entered into the agreement in relation to the designated water supply catchment area to which the agreement relates; and
 - (b) must specify those functions and powers of the managing water authority which may be performed by the managing water authority in relation to the designated water supply catchment area; and
 - (c) may provide for the management and control by the managing water authority of any property within the designated water supply catchment area; and
 - (d) must contain provisions with respect to—
 - (i) the protection of conservation values within the designated water supply catchment area; and
 - (ii) fire protection and fire management within the area; and
 - (iii) prohibiting and regulating the activities of people within the area and access to the area by people; and
 - (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; and
 - (v) procedures to be followed to prevent or settle disputes concerning the management of the area that arise between the parties during the currency

of the agreement including the submission of any unresolved dispute to the Minister, the Minister responsible for the managing water authority and (in the case of Melbourne Water Corporation) 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 subsection (1) that, despite any other provision of this Act, it is the function of the managing water authority to determine the policy necessary in a designated water supply catchment area—
- (a) to protect the area for the purposes of water supply; and
 - (b) to maintain the water quality of and otherwise protect the water resources in the area; and
 - (c) to restrict human activity for the purposes of giving effect to paragraphs (a) and (b).

32J Access to property in designated water supply catchment areas

The Minister must grant to the managing water authority for a designated water supply catchment area that reasonable right of access to property within the area that is owned, controlled or managed by the managing water authority that will, in the Minister's opinion, allow the managing water authority to exercise its powers and functions with respect to that property.

S. 32J
inserted by
No. 57/1995
s. 9,
substituted by
No. 60/2005
s. 8.

S. 32K
inserted by
No. 57/1995
s. 9,
amended by
No. 70/1998
s. 14(Sch.
item 30),
substituted by
No. 60/2005
s. 8.

32K Control and management of structures and installations in designated water supply catchment areas

- (1) The managing water authority for a designated water supply catchment area may manage and control any structures and installations (other than those built or installed by the Secretary) in the area.
- (2) For the purposes of giving effect to subsection (1), the managing water authority may operate, repair, replace, maintain, remove, connect, disconnect or do any other thing necessary to manage or control a 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. 32L
inserted by
No. 57/1995
s. 9.

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

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

- (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**.

32M Determination of disputes

- (1) If the Secretary has not entered into an agreement under section 32I—
- (a) with Melbourne Water Corporation about the management of a Melbourne water supply catchment area; or
 - (b) with Barwon Water about the management of the Barwon water supply catchment area; or
 - (c) with Wannon Water about the management of the Wannon water supply catchment area—

S. 32M inserted by No. 57/1995 s. 9, amended by No. 70/1998 s. 14(Sch. item 32), substituted by No. 60/2005 s. 9.

S. 32M(1)(c) substituted by No. 90/2009 s. 6.

and if there is a dispute about the management of the area, either the Secretary or the relevant managing water authority may refer the dispute to the Minister, the Minister responsible for administering the relevant managing water authority and (in the case of Melbourne Water Corporation) the Minister administering section 17 of the **State Owned Enterprises Act 1992** for determination.

- (2) A decision of the Ministers under subsection (1) is binding on the parties to the dispute.

32N Restricted areas in designated water supply catchment areas

- (1) The Minister 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 that is specified in the notice.

S. 32N inserted by No. 57/1995 s. 9, substituted by No. 60/2005 s. 9.

- (2) The Minister must not make a notice under subsection (1) unless—
- (a) the Minister is of the opinion that it is necessary to do so to prevent access of persons to that part of the designated water supply catchment area for the purposes of—
 - (i) protecting that area for the purposes of water supply; or
 - (ii) maintaining the water quality of and otherwise protecting the water resources of that area; and
 - (b) the Minister has, before doing so, consulted the Minister responsible for the managing water authority for that area.
- (3) A notice under subsection (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 of the notice in the Government Gazette; and
 - (d) may not provide that it continues to have effect for any period exceeding 12 months.
- (4) 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.
- (5) 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.

- (6) A person must comply with a notice under this section.

Penalty: 20 penalty units.

**32NA Management agreement with Barwon Water—
Brisbane Ranges National Park**

S. 32NA
inserted by
No. 90/2009
s. 7.

- (1) The Minister, with the agreement of the Minister administering the **Water Act 1989**, may enter into an agreement with Barwon Water for Barwon Water to manage and control any structures and installations on the land described in Part 2 of Schedule Two that are specified in the agreement.
- (2) For the purposes of giving effect to an agreement under subsection (1), Barwon Water may operate, repair, replace, maintain, remove, connect, disconnect or do any other thing necessary to manage or control the structures and installations specified in the agreement.
- (3) In this section, *structures and installations* means the dam wall and structures and installations associated with the dam wall, including, but not limited to, the spillway, outlet structures, valve houses, standing areas, security fences, survey and geotechnical monitoring points and the vehicle access track between the dam wall security fence and the toe of the dam wall.

32O Access rights—French Island Marine National Park

S. 32O
inserted by
No. 40/2002
s. 8.

- (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 subsection (1) is subject to any terms and conditions determined by the Minister.
- (3) For the purpose of allowing a person to exercise a right of access under subsection (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.

S. 32P
inserted by
No. 60/2005
s. 10, expired
by force of
No. 8702
s. 32P(6).

* * * * *

S. 32Q
inserted by
No. 60/2005
s. 10, expired
by force of
No. 8702
s. 32Q(5).

* * * * *

S. 32R
inserted by
No. 54/2008
s. 6.

32R Drainage licences—Cobboboonee National Park

- (1) The Secretary may grant a licence to the person who is the owner or occupier of drainage land, being a licence over land described in Part 45 of Schedule Two, for the purpose of draining the drainage land.
- (2) A licence granted under subsection (1)—
 - (a) must be in writing; and
 - (b) must not be for a term of more than 7 years; and
 - (c) is subject to any fees and other charges and terms and conditions determined by the Secretary.

(3) The coming into operation of section 10(5) of the **National Parks and Crown Land (Reserves) Acts Amendment Act 2008** does not affect the existence and operation of the drainage licence.

(4) In this section—

drainage land means Crown Allotment 5, Parish of Cobboboonee;

drainage licence means the agreement as to drainage between the Secretary and S.D. and N.J. Johnstone and Dipple Pty Ltd ACN 069 825 010 as to part of Crown Allotment 1A, Parish of Cobboboonee, and in force until 31 December 2017.

Part IV—General

33 Rents etc. to be paid into the Consolidated Fund

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

* * * * *

S. 33(2)
amended by
No. 9570
s. 8(2)(a)–(c),
substituted 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(2A)
inserted by
No. 57/1995
s. 10.

- (2A) Subsection (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(3)
substituted by
No. 9570
s. 8(1),
amended by
No. 9861
s. 3(1).

- (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;

National Parks Act 1975
No. 8702 of 1975
Part IV—General

-
- * * * * *
- (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 the **Transport Integration Act 2010**;
- (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;
- 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),
6/2010
s. 203(1)
(Sch. 6
item 32.2).
- 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).

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

(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

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

(iv) of any land managed by the Secretary
pursuant to an agreement made under
section 19D.

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

S. 35(1)
amended by
No. 70/1998
s. 14(Sch.
item 34).

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

* * * * *

36 Seizure and forfeiture of guns and other weapons

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

- (1) An authorized officer or a police officer 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 subsection (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 subsection (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

S. 36(1)
amended by
No. 37/2014
s. 10(Sch.
item 115.2).

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

- (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
- (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—

- (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 in Parts 38 and 39 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.

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),
7/2012 s. 5(1).

(3) Notwithstanding anything contained in subsections (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, Part 12 of Schedule Three 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.

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),
90/2009
s. 8(1).

National Parks Act 1975
No. 8702 of 1975
Part IV—General

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

(4) The Secretary may revoke a permit granted under subsection (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.

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

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

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),
90/2009
s. 8(2).

(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 and 8 of Schedule Three and Parts 4 and 5 of Schedule Four.

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).

(7) In subsection (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.

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

(7A) In subsections (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 subsections (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 shown bordered red or coloured yellow on the plan lodged in the Central Plan Office and numbered N.P. 70/1m and such other areas of Part 37 as may be specified in a management plan for the park described in that part but excluding any areas under the **Reference Areas Act 1978**.

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),
7/2012 s. 5(2).

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

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

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

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

(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.

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

- (2) An authorisation under subsection (1) is—
- (a) for the period; and
 - (b) subject to the conditions and restrictions (if any)—
- specified in the notice.

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

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

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

- (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;
 - (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 subsections (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. **S. 37A(1)(c) amended by No. 44/1989 s. 41(Sch. 2 item 29.4(b)).**
- (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 subsection (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 subsection (1). **S. 37A(3) amended by No. 70/1998 s. 14(Sch. item 37).**
- (4) Sections 36, 37 and 44 of the Act shall apply to a road specified under subsection (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 Wilsons Promontory Road; **S. 37A(5)(a)(i) amended by No. 43/2012 s. 3(Sch. item 34.3).**

(ii) the Mount Buffalo Road—

as respectively declared to be an arterial road within the meaning of the **Road Management Act 2004**;

S. 37A(5)(b) amended by No. 12/2004 s. 165(3).

(b) a road or part of a road that is an arterial road within the meaning of the **Road Management Act 2004**—

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

(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

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

(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

S. 37A(5)(c) amended by No. 12/2004 s. 165(3).

(c) a road or part of a road that is not an arterial road within the meaning of the **Road Management Act 2004** 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 part of a road to which this section or a provision of this section shall apply.

(6) For the purposes of subsection (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.

(1) An authorized officer may—

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

No. 8083 s. 24.
S. 38
amended by
No. 40/2002
s. 9 (ILA
s. 39B(1)).

S. 38(1)(b)
amended by
No. 9114
s. 17(a).

S. 38(1)(c)
amended by
No. 9114
s. 17(b).

S. 38(1)(d)
inserted by
No. 9114
s. 17(c),
amended by
Nos 10166
s. 17(3)(a)(b),
57/1995 s. 11.

S. 38(1)(e)
inserted by
No. 57/1995
s. 11.

(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.

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

(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.

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

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
- (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 subsection (1).
Penalty: 20 penalty units.
- (3) For the purposes of subsections (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 subsection (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 is constructed or placed or is found in a park as if—

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

- (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.

No. 8083 s. 11.

40 Consent to mining leases and licences

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),
63/2006
s. 61(Sch.
item 23.2),
6/2009
s. 54(1).

- (1) Except as provided in this section a lease licence permit consent or other authority shall not be granted under the **Mineral Resources (Sustainable Development) Act 1990** 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.

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

(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

National Parks Act 1975
No. 8702 of 1975
Part IV—General

* * * * *

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

unless—

(c) the land is subject to another lease, licence, permit, consent or authority under the **Mineral Resources (Sustainable Development) Act 1990**; or

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),
63/2006
s. 61(Sch.
item 23.2),
6/2009
s. 54(2).

(d) an application for a lease, licence, permit, consent or other authority or registration was made before the relevant date; or

S. 40(1AA)(d)
amended by
Nos 84/2003
s. 18(b),
60/2005
s. 11(1)(a).

(e) in the case of the land shown delineated and cross-hatched on the plan lodged in the Central Plan Office and numbered N.P. 111E, the consent is to the granting of an extractive industry work authority under the **Mineral Resources (Sustainable Development) Act 1990**.

S. 40(1AA)(e)
inserted by
No. 60/2005
s. 11(1)(b),
amended by
No. 6/2009
s. 54(3).

(1AAA) The Minister must not consent to the grant of an extractive industry work authority under section 77I of the **Mineral Resources (Sustainable Development) Act 1990** in respect of land in a marine national park or a marine sanctuary.

S. 40(1AAA)
inserted by
No. 40/2002
s. 11(1),
amended by
No. 6/2009
s. 54(4).

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

- (1AB) In subsection (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.

S. 40(1AC)
inserted by
No. 70/1998
s. 11,
amended by
No. 6/2009
s. 54(5).

- (1AC) Subsections (1AA), (3), (5) and (6) do not apply in relation to the consent of the Minister under subsection (1) or an extractive industry work authority granted under the **Mineral Resources (Sustainable Development) Act 1990** 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(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),
63/2006
s. 61(Sch
item 23.2),
6/2009
s. 54(6).

- (1A) An exploration licence may be granted under the **Mineral Resources (Sustainable 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 (Sustainable Development) Act 1990** 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. **S. 40(1B) inserted by No. 9936 s. 108(b), amended by No. 41/1987 s. 103(Sch. 4 item 49.11).**
- (1C) Despite subsections (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 on the plans lodged in the Central Plan Office and numbered N.P. 105A/4 and N.P. 105B/2. **S. 40(1C) inserted by No. 50/2002 s. 10(1), amended by Nos 7/2012 s. 6, 44/2016 s. 5.**
- (1D) A mining licence granted in accordance with subsection (1C)— **S. 40(1D) inserted by No. 50/2002 s. 10(1).**
- (a) despite section 14 of the **Mineral Resources (Sustainable 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 **S. 40(1D)(a) amended by No. 63/2006 s. 61(Sch. item 23.2).**
- (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 subsection (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).**

S. 40(1F)
inserted by
No. 50/2002
s. 10(1),
amended by
No. 63/2006
s. 61(Sch.
item 23.2).

(1F) Despite the application of subsection (1) to the land described in Part 6 of Schedule Four and section 14 of the **Mineral Resources (Sustainable 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(1G)
inserted by
No. 50/2002
s. 10(1),
amended by
No. 63/2006
s. 61(Sch.
item 23.2).

(1G) Despite any provision of this Act or section 14 of the **Mineral Resources (Sustainable 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(1H)
inserted by
No. 50/2002
s. 10(1).

(1H) A mining licence in respect of which a consent has been given under subsection (1G) is subject to any terms and conditions imposed by the Minister as to the nature of the infrastructure and as to the effect the infrastructure may have on the land described in Part 6 of Schedule Four.

S. 40(2)
substituted by
No. 40/1992
s. 17,
amended by
Nos 96/1998
s. 257(4)
(a)–(c), 7/2005
s. 171, 61/2008
s. 320.

(2) Despite anything in the **Geothermal Energy Resources Act 2005**, the **Greenhouse Gas Geological Sequestration Act 2008** or the **Petroleum Act 1998** or any authority granted under either of those Acts, 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

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

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. **S. 40(2)(c) inserted by No. 40/2002 s. 11(2).**
- (3) A consent shall not be given by the Minister for the purposes of subsection (1), (1A), (1C), (1G) or (2) unless the advice of the National Parks Advisory Council has been first obtained. **S. 40(3) amended by Nos 9936 s. 108(c), 50/2002 s. 10(2).**
- (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.
- (5) Any lease licence permit or consent to which subsection (1) applies or any consent of the Minister under subsection (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. **S. 40(5) amended by Nos 9936 s. 108(d), 40/2002 s. 11(3), 84/2003 s. 18(d).**
- (6) Any such lease, licence, permit or consent to which subsection (1) applies or any such consent of the Minister under subsection (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
- S. 40(6) amended by Nos 50/2002 s. 10(3), 84/2003 s. 18(e)(f), 60/2005 s. 11(2).**

subsection (1) applies or of the consent of the Minister has been laid before both Houses of Parliament) to that effect.

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

- (7) The Minister must cause notice of any mining licence or exploration licence to which subsection (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. 40A
(Heading)
amended by
No. 10/2010
s. 800(Sch. 6
item 9.1).

40A Leases etc. under the Offshore Petroleum and Greenhouse Gas Storage Act 2010 deemed to be subject to conditions

Except as provided for under section 40B(2), a lease, licence, permit or other authority under the **Offshore Petroleum and Greenhouse Gas Storage Act 2010** 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—

S. 40A
inserted by
No. 40/2002
s. 12,
amended by
No. 10/2010
s. 800(Sch. 6
item 9.2(a)).

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

S. 40A(a)
amended by
No. 10/2010
s. 800(Sch. 6
item 9.2(b)).

- (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, permit or other authority are not carried out in the park or sanctuary.

S. 40A(b)
amended by
No. 10/2010
s. 800(Sch. 6
item 9.2(c)).

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

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

- (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 **Offshore Petroleum and Greenhouse Gas Storage Act 2010**—
 - (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.

S. 40B(2)
amended by
No. 10/2010
s. 800(Sch. 6
item 9.3).

S. 40B(3)
amended by
No. 61/2005
s. 219.

- (3) A licence, easement or other authority must not be granted under the **Pipelines Act 2005**—
- (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.

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).

41 Impounding of livestock

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

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

- (a) in a park; or
- (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

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

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

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.

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

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

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.

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

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.

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

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

(1) A person must 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 the trade or business—

(a) is being carried out under and in accordance with a licence, permit, tenancy, agreement or any other authority granted, made or given under this Act; or

(b) is authorised under subsection (2).

Penalty: 60 penalty units in the case of a natural person;

300 penalty units in the case of a body corporate.

S. 43
amended by
Nos 9114
s. 18, 10073
s. 10(b),
7/1988
s. 7(1)(a)(b),
57/1995
s. 42(2),
40/2009
s. 38 (as
amended by
No. 29/2011
s. 3(Sch. 1
item 26)),
substituted by
No. 79/2013
s. 19.

- (2) For the purposes of subsection (1)(b), the following trades or businesses are authorised—
- (a) a trade or business carried out in accordance with—
- (i) an access licence within the meaning of the **Fisheries Act 1995** granted in respect of the carrying out of an activity in a park described in Part 1, 2, 4, 5 or 7 of Schedule Four; or
 - (ii) an access licence within the meaning of the **Fisheries Act 1995** that is not subject to a restriction specified in section 38(1A) of that Act or that is not an access licence referred to in section 38(1B) of that Act; or
 - (iii) an aquaculture licence within the meaning of the **Fisheries Act 1995** that is not subject to a restriction specified in section 43(1AA) of that Act; or
 - (iv) a general permit issued under section 49 of the **Fisheries Act 1995** in respect of the carrying out of an activity in a park described in Part 1, 2, 4, 5 or 7 of Schedule Four; or
 - (v) a general permit issued under section 49 of the **Fisheries Act 1995** that is not subject to a restriction specified in section 49(2A) of that Act; or
 - (vi) a statutory fishing right within the meaning of the Fisheries Management Act 1991 of the Commonwealth in a park described in Part 1, 2 or 7 of Schedule Four;

S. 43(2)(b)
amended by
No. 12/2016
s. 33(a).

(b) a trade or business carried out in accordance with a licence, permit or other authority granted under the **Geothermal Energy Resources Act 2005**, the **Greenhouse Gas Geological Sequestration Act 2008**, the **Mineral Resources (Sustainable Development) Act 1990** or the **Petroleum Act 1998** in the park described in Part 8 of Schedule Four;

S. 43(2)(c)
inserted by
No. 12/2016
s. 33(b).

(c) a trade or business carried out in accordance with a bee site licence granted under section 142 of the **Land Act 1958**.

(3) In this section, *trade or business* does not include a trade or business to which Division 3A of Part III applies.

Note

See also section 45A which includes offences relating to marine national parks and marine sanctuaries and section 27C which includes an offence relating to an organised tour or recreational activity conducted for profit in a park.

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

44 Guns etc. not to be carried in parks

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

(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.

Penalty: 20 penalty units.

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

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

Penalty: 20 penalty units.

* * * * *

S. 44(3)(4)
inserted by
No. 40/2002
s. 14,
repealed by
No. 64/2004
s. 15.

44A Offence to cut or take away fallen or felled trees

S. 44A
inserted by
No. 46/2012
s. 22.

- (1) A person must not, in a park, cut or take away 2 cubic metres or less of fallen or felled trees.

Penalty: 20 penalty units.

- (2) A person must not, in a park, cut or take away more than 2 cubic metres of fallen or felled trees.

Penalty: 50 penalty units or imprisonment for 1 year or both.

- (3) Subsections (1) and (2) do not apply to a person who—

(a) cuts or takes away fallen or felled trees in a park in accordance with a lease, licence, permit or authorisation held by the person under this Act or any other Act; or

(b) cuts or takes away fallen or felled trees in a park in accordance with the regulations or regulations under any other Act.

- (4) In this section—

fallen or felled trees includes parts of fallen or felled trees;

tree or *trees* has the same meaning as in section 3(1) of the **Forests Act 1958**.

44B Offence to construct, remove, alter, or carry out maintenance on, a levee within specified areas

S. 44B
inserted by
No. 53/2014
s. 13.

- (1) A person must not—

(a) construct, remove or alter a levee within a specified area; or

(b) carry out maintenance on a levee within a specified area.

Penalty: Level 8 imprisonment (12 months maximum) or a level 8 fine (120 penalty units maximum) or both.

(2) Subsection (1)(a) and (b) do not apply to a person if the person constructs, removes, alters, or carries out maintenance on, a levee—

(a) in the performance of a function under this Act or the regulations; or

(b) that the person is authorised under this Act or the regulations to construct, remove, alter or carry out maintenance on in the performance of a function under another Act or regulations made under another Act.

(2A) Subsection (1)(a) does not apply to a person if the person constructs, removes or alters a levee in accordance with section 32AC of the **Victoria State Emergency Service Act 2005**.

(3) Subsection (1)(b) does not apply to a person if the person carries out maintenance on a levee under and in accordance with a levee maintenance permit.

(4) In this section—

levee has the same meaning as in Part 5AA of the **Water Act 1989**;

levee maintenance permit has the same meaning as in the **Water Act 1989**;

maintenance has the same meaning as in Part 5AA of the **Water Act 1989**;

specified area means a park or any land that is described in Schedule Four.

S. 44B(2A)
inserted by
No. 43/2015
s. 38(2).

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. **S. 45(1) amended by Nos 10073 s. 10(e), 57/1995 s. 42(3).**
- Penalty: 20 penalty units or imprisonment for 6 months.
- (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. **S. 45(2) amended by Nos 10073 s. 10(f), 57/1995 s. 42(1).**
- Penalty: 20 penalty units.
- (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. **S. 45(3) amended by Nos 10073 s. 10(g), 57/1995 s. 42(1).**
- Penalty: 20 penalty units.
- (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. **S. 45(4) amended by Nos 10073 s. 10(h), 38/1989 s. 35(d).**
- Penalty: 5 penalty units.
- (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.
- (6) A person to whom a direction of an authorised officer is given under section 38(e) must comply with that direction. **S. 45(6) inserted by No. 57/1995 s. 13.**
- Penalty: 20 penalty units.

S. 45(7)
inserted by
No. 40/2002
s. 15.

- (7) A person to whom a direction of an authorised officer under section 38(2) has been given must comply with that direction.

Penalty: 20 penalty units.

S. 45(8)
inserted by
No. 40/2002
s. 15.

- (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.

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

Division 2—Offences in marine national parks and marine sanctuaries and related matters

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

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.

S. 45A(2)
amended by
No. 57/2006
s. 5(1).

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

S. 45A(2A)
inserted by
No. 57/2006
s. 5(2).

- (2A) A person must not, in a marine national park or a marine sanctuary, use recreational fishing equipment.

Penalty: 40 penalty units.

(2B) A person must not, in a marine national park or a marine sanctuary, use commercial fishing equipment.

S. 45A(2B)
inserted by
No. 35/2010
s. 6(1).

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.

(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.

(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.

National Parks Act 1975
No. 8702 of 1975
Part V—Offences and proceedings

S. 45A(4A)
inserted by
No. 57/2006
s. 5(3).

(4A) Subsection (4) does not apply to a person who is acting under and in accordance with an authorisation in writing of the Minister.

S. 45A(4B)
inserted by
No. 57/2006
s. 5(3).

(4B) For the purposes of subsection (4A), the Minister may issue an authorisation in writing and may impose conditions on that authorisation.

(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.

S. 45A(5A)
inserted by
No. 35/2010
s. 6(2).

(5A) Subsection (5) does not apply to a person who—

(a) is in possession or in charge of a boat that is specified in a Rock Lobster Fishery Access Licence and that is carrying rock lobster; and

(b) is acting under and in accordance with that licence.

(6) It is a defence in any proceedings for an offence against subsection (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.

- (6A) A person must not, in waters in a marine national park or a marine sanctuary, have in the person's possession 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.
- (6B) Subsection (6A) does not apply to a person who is on a boat in waters in a marine national park or a marine sanctuary.
- (6C) A person must not, in a marine national park or a marine sanctuary—
- (a) anchor or moor a boat that is in his or her possession or charge; or
- (b) allow a boat that is in his or her possession or charge to remain anchored or moored—
- if that boat is carrying one or more rock lobster pots.
- 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.
- (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.

S. 45A(6A)
inserted by
No. 57/2006
s. 5(4).

S. 45A(6B)
inserted by
No. 57/2006
s. 5(4).

S. 45A(6C)
inserted by
No. 35/2010
s. 6(3).

S. 45A(9)
repealed by
No. 64/2004
s. 16, new
s. 45A(9)
inserted by
No. 57/2006
s. 5(5),
repealed by
No. 82/2009
s. 14, new
s. 45A(9)
inserted by
No. 35/2010
s. 6(4).

(9) In this section, *use* includes attempt to use or assist in the use of.

S. 45A(10)–
(12)
repealed by
No. 64/2004
s. 16.

* * * * *

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

45B Approval to remain in Point Hicks Marine National Park

S. 45B(1)
amended by
No. 35/2010
s. 7.

- (1) Section 45A(5) and (6C) do 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 subsection (1) to the applicant.
- (3) An approval under subsection (1) is subject to the prescribed conditions.
- (4) The holder of an approval under subsection (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 and section 130 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,
amended by
No. 35/2010
s. 8.

45D Liability for offences

(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.

S. 45D
(Heading)
substituted by
No. 57/2006
s. 6(1).

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

(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.

(2A) If an offence against this Division is committed from or in connection with a boat, the person in charge of the boat at the time that the offence is committed is also guilty of such an offence.

S. 45D(2A)
inserted by
No. 57/2006
s. 6(2).

(2B) Subsection (2A) does not apply in circumstances in which subsection (1) or (2) applies.

S. 45D(2B)
inserted by
No. 57/2006
s. 6(2).

S. 45D(2C)
inserted by
No. 57/2006
s. 6(2).

(2C) It is a defence in any proceedings for an offence against subsection (2A) if the person in charge of the boat establishes—

(a) that he or she did everything that was reasonably practicable to ensure that the offence would not be committed; and

(b) that he or she did not in any way aid, abet, counsel or procure the commission of the offence.

(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**.

S. 45E
inserted by
No. 40/2002
s. 16,
amended by
No. 57/2006
s. 7.

45E Time for bringing proceedings

Despite anything to the contrary in any Act, proceedings for an offence against sections 45A(1), 45A(4), 45A(5) or 45A(6A) may be commenced within the period of 3 years after the date on which the offence is alleged to have been committed.

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

Division 3—Provisions relating to proceedings and other matters

No. 8083 s. 19.
S. 46
amended by
No. 57/1995
s. 14,
substituted by
No. 70/1998
s. 9.

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

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

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).

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

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

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

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

47A Compensation for damage to parks

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.

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

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.

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

47C Expiation of prescribed offence by payment of fee

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

- (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.

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

(1A) Subsection (1) applies whether or not the management plan is for the whole or a part of the park and whether or not the management plan is a joint management plan.

S. 47D(1A)
inserted by
No. 62/2010
s. 128.

(2) A management plan may be disallowed by resolution of both Houses of the Parliament.

(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.

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—

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

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

- (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; S. 48(1)(ha)
inserted by
No. 57/1995
s. 15.
- (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;
- (la) setting aside areas in parks in which specified activities are permitted, restricted or prohibited; S. 48(1)(la)
inserted by
No. 45/2013
s. 19(1).
- (m) prescribing measures to be taken for the safety of persons using parks;

National Parks Act 1975
No. 8702 of 1975
Part VI—Regulations and other matters

S. 48(1)(n)
amended by
Nos 52/1988
s. 161(Sch. 6
item 8.1) (as
amended by
No. 20/1993
s. 27(1)(b)),
65/2010 s. 420
(Sch. 3 item
13).

(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 park not being waters under the control of a port management body, local port manager or waterway manager within the meaning of the **Marine Safety Act 2010**;

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

(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;

National Parks Act 1975
No. 8702 of 1975
Part VI—Regulations and other matters

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| (oa) providing for offences for which the owner of an animal, or a person having care or control of an animal, is guilty if the animal is found in a park in contravention of the regulations; | S. 48(1)(oa) inserted by No. 45/2013 s. 19(2). |
| (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)(p) repealed by No. 89/1994 s. 39(b), new s. 48(1)(p) inserted by No. 40/2002 s. 18(c). |
| (q) prescribing conditions for approvals under section 45B; | 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). |
| (r) prescribing penalties not exceeding 20 penalty units for breaches of the regulations; and | S. 48(1)(r) amended by Nos 10073 s. 10(i), 57/1995 s. 42(5). |
| (s) generally prescribing any matters or things authorized or required to be prescribed under this Act. | |
| (2) The regulations— | S. 48(2) substituted by No. 2/1991 s. 4. |
| (a) may be of general or limited application; and | |
| (b) may differ according to differences in time, place or circumstances; and | |
| (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 | S. 48(2)(c) substituted by No. 7/1997 s. 13(1). |

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S. 48(2)(ca)
inserted by
No. 45/2013
s. 19(3).

- (ca) may leave any matter or thing to be from time to time determined, applied, dispensed with or regulated by the Secretary, including, but not limited to—
- (i) the setting aside of areas in parks;
 - (ii) the granting of permits subject to any reasonable conditions and the revocation of permits; and

S. 48(2)(cb)
inserted by
No. 45/2013
s. 19(3).

- (cb) may provide in a specified case or class of cases for the exemption of persons or things or a class of persons or things from any of the provisions of the regulations—
- (i) whether unconditionally or on specified conditions; and
 - (ii) either wholly or to such an extent as is specified; and
- (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.

S. 48(3)
substituted by
No. 2/1991
s. 4,
amended by
Nos 7/1997
s. 13(2),
45/2013
s. 19(4).

- (3) Despite subsection (2)(c) and (ca), 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.

- (4) A regulation may be made under this Act in respect of a part of a road that—

S. 48(4)(b)
amended by
Nos 9921
s. 255, 44/1989
s. 41(Sch. 2
item 29.5),
12/2004
s. 165(4).

- (a) is bounded on each side by a park; and
- (b) is not a freeway or an arterial road within the meaning of the **Road Management Act 2004** or is a freeway or arterial road within the meaning of that Act which 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.

- (4A) The amendment of subsection (4)(b) by section 165(4) of the **Road Management Act 2004** does not affect the operation of any notice published under subsection (4)(b) as in force before the commencement of that amendment. S. 48(4A) inserted by No. 12/2004 s. 165(5).
- (4B) Any regulations made under this Act for or with respect to the issuing of film permits must not be inconsistent with the film friendly principles. S. 48(4B) inserted by No. 51/2014 s. 9(Sch. 2 item 13.3).
- (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 23 of the **Subordinate Legislation Act 1994**. S. 48(5) inserted by No. 38/1989 s. 15(2), amended by No. 57/2006 s. 8(1).
- (6) Disallowance of a regulation under subsection (5) must be taken to be disallowance by Parliament for the purposes of the **Subordinate Legislation Act 1994**. S. 48(6) inserted by No. 38/1989 s. 15(2), amended by No. 57/2006 s. 8(2).

48AA Tour operator licence regulations

- (1) The Governor in Council may make regulations for or with respect to— S. 48AA inserted by No. 40/2009 s. 39.
- (a) the fees payable in respect of tour operator licences including—
- (i) requirements for fees to be paid annually; and

- (ii) methods for calculating fees, including by reference to the following—
 - (A) numbers of persons that may participate in or have participated in tours; and
 - (B) classes of persons that may participate in or have participated in tours; and
 - (b) prescribing tour operator licence conditions.
- (2) A power conferred by subsection (1) to make regulations providing for the imposition of fees in respect of tour operator licences may be exercised by providing for all or any of the following matters—
- (a) specific fees;
 - (b) maximum fees;
 - (c) minimum fees;
 - (d) fees that vary according to the class of licence to which they apply;
 - (e) the manner of payment of fees, including the payment of fees by instalment;
 - (f) the time at which, or by which, fees are to be paid.
- (3) Regulations made under this Act in respect of tour operator licences may—
- (a) provide for the exemption of persons or a class of persons from any of the regulations providing for the imposition of fees; and
 - (b) provide for the reduction, waiver or refund, in whole or in part, of the fees fixed by regulations made under this section; and

- (c) provide, in specified circumstances, for the reinstatement or payment, in whole or in part, of any fee reduced, waived or refunded in accordance with the regulations.
- (4) Without limiting subsection (3), if the regulations provide for a reduction, waiver or refund, in whole or in part, of a fee pursuant to subsection (3), the reduction, waiver or refund—
 - (a) may be expressed to apply either generally or specifically—
 - (i) in respect of certain matters or classes of matters;
 - (ii) in respect of certain persons or classes of persons;
 - (b) may be subject to specified conditions.

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) Subsections (1) and (2) do not apply in any case where native title rights and interests are—
 - (a) affected; or
 - (b) authorised to be affected—

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.

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.

S. 48B
inserted by
No. 82/2009
s. 13.

48B Describing lands in notice

Without limiting the use of any other means to describe land, a notice under this Act may describe land by reference to a plan lodged in the Central Plan Office.

Part VII—Transitional provisions

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.

49AA Definition

In this Part—

Alpine Grazing Act means the **National Parks
(Alpine National Park Grazing) Act 2005**.

S. 49AA
inserted by
No. 35/2005
s. 8.

49 Duties etc. of Director to become duties of Secretary

New s. 49
inserted by
No. 70/1998
s. 13.

- (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.

National Parks Act 1975
No. 8702 of 1975
Part VII—Transitional provisions

<p>New s. 50 inserted by No. 70/1998 s. 13, repealed by No. 64/2004 s. 17(1).</p>	*	*	*	*	*
<p>Ss 50A, 50B inserted by No. 50/2002 s. 11, repealed by No. 64/2004 s. 17(1).</p>	*	*	*	*	*
<p>S. 50C inserted by No. 50/2002 s. 11, repealed by No. 7/2012 s. 7.</p>	*	*	*	*	*
<p>S. 50D inserted by No. 50/2002 s. 11, expired by force of No. 8702 s. 50D(3).</p>	*	*	*	*	*
<p>S. 50E inserted by No. 50/2002 s. 11, repealed by No. 60/2005 s. 12.</p>	*	*	*	*	*
<p>S. 50F inserted by No. 50/2002 s. 11, amended by Nos 8702 s. 50F(2)(4), 64/2004 s. 17(2), repealed by No. 57/2006 s. 9(1).</p>	*	*	*	*	*

National Parks Act 1975
No. 8702 of 1975
Part VII—Transitional provisions

*	*	*	*	*	<p>Ss 50G, 50H inserted by No. 50/2002 s. 11, repealed by No. 64/2004 s. 17(3).</p>
*	*	*	*	*	<p>S. 50I inserted by No. 50/2002 s. 11 amended by No. 8702 s. 50I(3)(7), repealed by No. 57/2006 s. 9(2).</p>
*	*	*	*	*	<p>S. 50J inserted by No. 50/2002 s. 11, repealed by No. 64/2004 s. 17(3).</p>
<p>50K Land to become part of park on surrender to the Crown</p> <p style="padding-left: 40px;">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.</p>					<p>S. 50K inserted by No. 50/2002 s. 11.</p>
<p>50L National Parks (Box-Ironbark and Other Parks) Act 2002—Transitional provision—Existing authorities under the Mineral Resources Development Act 1990</p> <p style="padding-left: 40px;">(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</p>					<p>S. 50L inserted by No. 50/2002 s. 11.</p>

commencement, an exploration licence to which section 40(1C) applies.

S. 50L(2)
amended by
No. 44/2016
s. 6.

- (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 on the plans lodged in the Central Plan Office and numbered N.P.105A/4 and N.P. 105B/2.

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**.

S. 50N
inserted by
No. 50/2002
s. 11.

50N Native Title not affected by amendments

- (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) Subsection (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.

500 Saving of licences—Alpine Grazing Act

S. 500
inserted by
No. 35/2005
s. 9.

- (1) On and from the commencement of sections 4 and 7 of the Alpine Grazing Act, the specified grazing licences are deemed to continue in force until 30 June 2006, and, despite the repeal of sections 22C and 32AD, those sections, as in force immediately before that commencement, are deemed to continue to apply to those licences, to the extent to which the sections applied to those licences immediately before that commencement.
- (2) In this section—

specified grazing licences means the following licences—

- (a) the licence between the Minister for Conservation and Land Management and L. Hayward, K. Connley and P. Maguire, commencing 1 July 1999 and granted under section 32AD;
- (b) the licence between the Minister for Conservation and Land Management and Kelly Brothers, commencing 1 July 1999 and granted under section 32AD;
- (c) the licence between the Minister for Conservation and Land Management and Colour Plates Pty Ltd, commencing 1 July 1999 and granted under section 32AD;
- (d) the licence between the Minister for Conservation and Land Management and M. and B. Horvat, commencing 1 July 1999 and granted under section 32AD.

S. 50P
inserted by
No. 35/2005
s. 9.

50P Licences not renewable

On and from the commencement of section 7 of the Alpine Grazing Act, any licence (in force immediately before that commencement) that was granted under section 32AD (as in force before that commencement) is deemed not to be capable of being renewed.

Pt 8
(Heading and
ss 51, 52)
inserted by
No. 70/1998
s. 13,
repealed by
No. 90/2009
s. 9.

* * * * *

Part IX—Further transitional provisions

Pt 9
(Heading and
ss 53–58)
inserted by
No. 50/2000
s. 8.

53 Definition

In this Part—

Point Nepean Act means the **National Parks
(Point Nepean) Act 2005**.

New s. 53
inserted by
No. 50/2000
s. 8,
repealed by
No. 64/2004
s. 17(3), new
s. 53
inserted by
No. 43/2005
s. 4.

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**.

New s. 54
inserted by
No. 50/2000
s. 8.

* * * * *

New s. 55
inserted by
No. 50/2000
s. 8,
repealed by
No. 35/2005
s. 10.

56 National Parks (Amendment) Act 2000— Continuation of leases

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

S. 56
inserted by
No. 50/2000
s. 8.

National Parks Act 1975
No. 8702 of 1975
Part IX—Further transitional provisions

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.

S. 57
inserted by
No. 50/2000
s. 8,
amended by
No. 11/2002
s. 3(Sch. 1
item 47),
repealed by
No. 35/2005
s. 11.

* * * * *

S. 58
inserted by
No. 50/2000
s. 8,
repealed by
No. 35/2005
s. 12.

* * * * *

S. 58A
inserted by
No. 43/2005
s. 8,
repealed by
No. 54/2008
s. 7.

* * * * *

National Parks Act 1975
No. 8702 of 1975
Part IX—Further transitional provisions

* * * * *

S. 59
inserted by
No. 40/2002
s. 20,
substituted by
No. 64/2004
s. 18,
repealed by
No. 54/2008
s. 7.

* * * * *

S. 60
inserted by
No. 64/2004
s. 18,
repealed by
No. 57/2006
s. 9(3).

61 Definition—2005 Act

In this Part *2005 Act* means the **National Parks (Otways and Other Amendments) Act 2005**.

S. 61
inserted by
No. 64/2004
s. 18,
substituted by
No. 60/2005
s. 13.

61A Continuation of lease—2005 Act

S. 61A
inserted by
No. 60/2005
s. 13.

(1) On and from the commencement of section 16(5) of the 2005 Act the Telstra Lease continues in force and may continue to be dealt with as a lease under section 51 of the **Forests Act 1958**.

(2) In subsection (1), *Telstra Lease* means the lease granted under section 51 of the **Forests Act 1958** to Telstra Corporation Limited (ACN 051 775 556) dated to commence on 1 May 2001 over Crown Allotment 61D of Section 5, Parish of Lorne.

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S. 61B
inserted by
No. 60/2005
s. 13,
repealed by
No. 90/2009
s. 10.

National Parks Act 1975
No. 8702 of 1975
Part IX—Further transitional provisions

S. 61C inserted by No. 60/2005 s. 13, repealed by No. 57/2006 s. 9(4).	*	*	*	*	*
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S. 61D inserted by No. 60/2005 s. 13, repealed by No. 57/2006 s. 9(5).	*	*	*	*	*
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S. 62 inserted by No. 64/2004 s. 18, substituted by Nos 60/2005 s. 14, 57/2006 s. 10, repealed by No. 54/2008 s. 7.	*	*	*	*	*
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S. 62A
inserted by
No. 60/2005
s. 14.

62A Saving of agreement

On and from the commencement of section 8 of the 2005 Act, the agreement between the Secretary and Melbourne Water Corporation made under section 32I (as in force before that commencement), and dated 6 December 1995, is deemed to continue in force on and from that commencement as if it were made under section 32I (as in force on and from that commencement).

S. 63
inserted by
No. 64/2004
s. 18.

63 Heathcote-Graytown National Park—Land not affected by enactment of 2002 Act

Section 12 of the **National Parks (Box-Ironbark and Other Parks) Act 2002** is deemed to have been enacted as if the plan, lodged in the Central Plan Office and numbered N.P. 106 (as referred to in Part 42 of Schedule Two to this Act, as inserted by section 12 of that Act), did not include, as part

of the park described in Part 42 of Schedule Two, the lands shown hatched on the plan lodged in the Central Plan Office and numbered N.P. 106/1, being Crown Allotments 2, 3, 5, 6, 7 and 8, Section 28, Township of Graytown, Parish of Moormbool East, and Crown Allotment 75, Parish of Moormbool East.

64 Registrar of Titles to make necessary amendments to records

S. 64
inserted by
No. 64/2004
s. 18.

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 (Additions and Other Amendments) Act 2004**.

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Ss 65, 66
inserted by
No. 43/2005
s. 5,
repealed by
No. 57/2006
s. 11.

67 Registrar of Titles to make necessary amendments to records

S. 67
inserted by
No. 43/2005
s. 5.

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 Point Nepean Act.

S. 68
 inserted by
 No. 57/2006
 s. 12.

68 Definition—2006 Act

In this Part *2006 Act* means the **National Parks
 and Crown Land (Reserves) Acts
 (Amendment) Act 2006.**

S. 69
 inserted by
 No. 57/2006
 s. 12.

69 Operation of amendments to section 19F

Section 19F is deemed to have always been
 enacted as amended by section 4 of the 2006 Act.

S. 70
 inserted by
 No. 57/2006
 s. 12,
 substituted by
 No. 54/2008
 s. 8,
 repealed by
 No. 35/2010
 s. 14(1).

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S. 71
 inserted by
 No. 57/2006
 s. 12,
 substituted by
 No. 54/2008
 s. 8,
 repealed by
 No. 35/2010
 s. 14(2).

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S. 72
 inserted by
 No. 54/2008
 s. 8,
 repealed by
 No. 35/2010
 s. 14(2).

* * * * *

S. 73
 inserted by
 No. 54/2008
 s. 8,
 repealed by
 No. 35/2010
 s. 14(3).

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National Parks Act 1975
No. 8702 of 1975
Part IX—Further transitional provisions

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S. 74
inserted by
No. 54/2008
s. 8,
repealed by
No. 82/2009
s. 15.

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S. 75
inserted by
No. 54/2008
s. 8,
repealed by
No. 82/2009
s. 16.

76 Definition

In this Part, *2009 Act* means the **Crown Land Acts Amendment (Lease and Licence Terms) Act 2009**.

S. 76
inserted by
No. 40/2009
s. 40 (as
amended by
No. 35/2010
s. 24(Sch. 6
item 1)).

77 Tour operator licences

(1) A person who conducts an organised tour or recreational activity for profit in a park without a tour operator licence on or after the commencement of section 37 of the 2009 Act, is not guilty of an offence under section 27C if the person applies for a tour operator licence within 4 months from the commencement of section 37 of the 2009 Act.

(2) Subsection (1) applies to a person referred to under that subsection who makes the tour operator licence application referred to in that subsection until the tour operator licence application of the person is finally determined.

S. 77
inserted by
No. 40/2009
s. 40 (as
amended by
No. 35/2010
s. 24(Sch. 6
item 1)).

S. 78
inserted by
No. 44/2016
s. 7.

**78 Land to become part of park on surrender to
Crown—National Parks and Victorian
Environmental Assessment Council Acts
Amendment Act 2016**

If any of the land shown delineated and coloured blue on the plan lodged in the Central Plan Office and numbered N.P. 105A/4 is not surrendered to the Crown before the commencement of section 10 of the **National Parks and Victorian Environmental Assessment Council Acts Amendment Act 2016**, that land is taken to be excluded from the park described in Part 41 of Schedule Two until the title to the land is surrendered to the Crown.

National Parks Act 1975
No. 8702 of 1975
Schedules

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

Schedule One AAA—Transitional provisions

Part 1—Preliminary

1 Definitions

In this Schedule—

2009 East Gippsland Act means the **Parks and Crown Land Legislation Amendment (East Gippsland) Act 2009**;

relevant park commencement, in relation to an area of land described in a Part in a Schedule to this Act, the description of which is inserted or amended by a provision of the 2009 East Gippsland Act, means the commencement of the provision of the 2009 East Gippsland Act that so inserts or amends the description.

Part 2—2009 East Gippsland Act

2 Apiary licences and rights

(1) Any licence or permit—

- (a) granted under section 52 of the **Forests Act 1958** to take honey on any part of the land described in Part 28 or 29 of Schedule Two or Part 12 of Schedule Three; and
- (b) in force immediately before the relevant park commencement—

subject to the provisions of the **Forests Act 1958**, continues in force, on and after that commencement, until its expiry as a licence or permit granted under that Act.

National Parks Act 1975
No. 8702 of 1975
Schedule One AAA—Transitional provisions

(2) Any licence or right—

(a) granted under section 141, 147 or 149 of the **Land Act 1958** for the purpose of a bee farm, a bee range area or an apiary upon any part of the land described in Part 29 of Schedule Two; and

(b) in force immediately before the relevant park commencement—

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

*	*	*	*	*	Sch. 1AAA cl. 3 repealed by No. 44/2016 s. 31(1).
*	*	*	*	*	Sch. 1AAA cl. 4 repealed by No. 7/2012 s. 8(1).
*	*	*	*	*	Sch. 1AAA cl. 5 amended by No. 29/2011 s. 3(Sch. 1 item 63(a)), repealed by No. 7/2012 s. 8(2).
*	*	*	*	*	Sch. 1AAA cl. 6 repealed by No. 7/2012 s. 8(3).

National Parks Act 1975
 No. 8702 of 1975
 Schedule One AAA—Transitional provisions

<p>Sch. 1AAA cl. 7 amended by No. 29/2011 s. 3(Sch. 1 item 63(b)(c)), repealed by No. 7/2012 s. 8(4).</p>	*	*	*	*	*
<p>Sch. 1AAA cl. 8 amended by No. 29/2011 s. 3(Sch. 1 item 63(d)–(f)), repealed by No. 7/2012 s. 8(5).</p>	*	*	*	*	*
<p>Sch. 1AAA cl. 9 repealed by No. 7/2012 s. 8(6).</p>	*	*	*	*	*
<p>Sch. 1AAA Pt 3 (Heading and cl. 10) inserted by No. 35/2010 s. 9, repealed by No. 7/2012 s. 9.</p>	*	*	*	*	*

Schedule One A—Native Title not affected

Sch. 1A
inserted by
No. 64/2004
s. 24(Sch. 1).

1 Definitions

In this Schedule—

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.

2 Native Title not affected by the National Parks (Additions and Other Amendments) Act 2004

- (1) The amendments made to this Act by the **National Parks (Additions and Other Amendments) Act 2004** are not intended to affect native title rights and interests.
- (2) Subsection (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.

2A Native Title not affected by the Parks and Crown Land Legislation Amendment (East Gippsland) Act 2009

Sch. 1A cl. 2A
inserted by
No. 90/2009
s. 12.

- (1) The amendments made to this Act by the **Parks and Crown Land Legislation Amendment (East Gippsland) Act 2009** are not intended to affect native title rights and interests.
- (2) Subclause (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.

Sch. 1A cl. 3
inserted by
No. 60/2005
s. 15.

3 Native Title not affected by the National Parks (Otways and Other Amendments) Act 2005

- (1) The amendments made to this Act by the **National Parks (Otways and Other Amendments) Act 2005** are not intended to affect native title rights and interests.
- (2) Subclause (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.

Sch. 1A cl. 4
inserted by
No. 54/2008
s. 9.

4 Native Title not affected by the National Parks and Crown Land (Reserves) Acts Amendment Act 2008

- (1) The amendments made to this Act by the **National Parks and Crown Land (Reserves) Acts Amendment Act 2008** are not intended to affect native title rights and interests.
- (2) Subclause (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.

Sch. 1A cl. 5
inserted by
No. 48/2009
s. 6.

5 Native Title not affected by the National Parks Amendment (Point Nepean) Act 2009

- (1) The amendments made to this Act by the **National Parks Amendment (Point Nepean) Act 2009** are not intended to affect native title rights and interests.
- (2) Subclause (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.

6 Native title not affected by the Parks and Crown Land Legislation Amendment (River Red Gums) Act 2009

Sch. 1A cl. 6
inserted by
No. 82/2009
s. 17.

- (1) The amendments made to this Act by the **Parks and Crown Land Legislation Amendment (River Red Gums) Act 2009** are not intended to affect native title rights and interests.
- (2) Subclause (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.

7 Native Title not affected by the Parks and Crown Land Legislation (Mount Buffalo) Act 2010

Sch. 1A cl. 7
inserted by
No. 35/2010
s. 10.

- (1) The amendments made to this Act by the **Parks and Crown Land Legislation (Mount Buffalo) Act 2010** are not intended to affect native title rights and interests.
- (2) Subclause (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.

8 Native Title not affected by the Parks and Crown Land Legislation Amendment Act 2012

Sch. 1A cl. 8
inserted by
No. 7/2012
s. 10.

- (1) The amendments made to this Act by the **Parks and Crown Land Legislation Amendment Act 2012** are not intended to affect native title rights and interests.
- (2) Subclause (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.

Sch. 1A cl. 9
inserted by
No. 79/2013
s. 20.

9 Native Title not affected by the Parks and Crown Land Legislation Amendment Act 2013

- (1) The amendments made to this Act by the **Parks and Crown Land Legislation Amendment Act 2013** are not intended to affect native title rights and interests.
- (2) Subclause (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.

Sch. 1A cl. 10
inserted by
No. 12/2016
s. 38.

10 Native title not affected by the Crown Land Legislation Amendment (Canadian Regional Park and Other Matters) Act 2016

- (1) The amendments made to this Act by Part 4 of the **Crown Land Legislation Amendment (Canadian Regional Park and Other Matters) Act 2016** are not intended to affect native title rights and interests.
- (2) Subclause (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.

Sch. 1A cl. 11
inserted by
No. 44/2016
s. 8.

11 Native Title not affected by the National Parks and Victorian Environmental Assessment Council Acts Amendment Act 2016

- (1) The amendments made to this Act by the **National Parks and Victorian Environmental Assessment Council Acts Amendment Act 2016** are not intended to affect native title rights and interests.
- (2) Subclause (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.

Schedule One AA—Transitional provisions

Sch. 1AA
inserted by
No. 82/2009
s. 18.

Part 1—Preliminary

1 Definitions

In this Schedule—

2009 River Red Gums Act means the **Parks and Crown Land Legislation Amendment (River Red Gums) Act 2009**;

2012 Act means the **Parks and Crown Land Legislation Amendment Act 2012**;

2012 Act park commencement, in relation to an area of land described in a Part in a Schedule to this Act, the description of which is inserted or amended by a provision of the 2012 Act, means the commencement of the provision of the 2012 Act that so inserts or amends the description;

2013 Act means the **Parks and Crown Land Legislation Amendment Act 2013**;

2013 Act park commencement, in relation to an area of land described in a Part in a Schedule to this Act, the description of which is inserted, substituted or amended by a provision of the 2013 Act, means the commencement of the provision of the 2013 Act that so inserts, substitutes or amends the description;

2016 Act means the **Crown Land Legislation Amendment (Canadian Regional Park and Other Matters) Act 2016**;

Sch. 1AA cl. 1
amended by
Nos 7/2012
s. 11, 79/2013
s. 21, 12/2016
s. 39.

2016 Act park commencement, in relation to an area of land described in a Part in a Schedule to this Act, the description of which is inserted, substituted or amended by a provision of the 2016 Act, means the commencement of the provision of the 2016 Act that so inserts, substitutes or amends the description;

relevant park commencement, in relation to an area of land described in a Part in a Schedule to this Act, the description of which is inserted or amended by a provision of the 2009 River Red Gums Act, means the commencement of the provision of the 2009 River Red Gums Act that so inserts or amends the description.

Part 2—2009 River Red Gums Act

2 Cutting and taking away forest produce—Barmah National Park and Gunbower National Park

Sch. 1AA cl. 2
(Heading)
amended by
No. 7/2012
s. 12.

Sch. 1AA
cl. 2(1)
repealed by
No. 7/2012
s. 13(1).

Sch. 1AA
cl. 2(2)
repealed by
No. 7/2012
s. 13(2).

Sch. 1AA
cl. 2(3)
repealed by
No. 7/2012
s. 13(3).

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National Parks Act 1975
No. 8702 of 1975
Schedule One AA—Transitional provisions

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Sch. 1AA
cl. 2(4)
repealed by
No. 7/2012
s. 13(4).

(5) The Secretary may cut and take away, or authorise to be cut and taken away on behalf of the Secretary, forest produce (being forest produce felled in accordance with an earlier licence) from any part of the designated area of a relevant park for use as firewood for domestic or camping purposes outside the park.

(6) Authorisation under subclause (5) continues in force until the date of its expiry or 30 June 2015, whichever is the earlier.

Sch. 1AA
cl. 2(6)
amended by
No. 7/2012
s. 13(5).

(6A) A person may cut and take away forest produce (being forest produce felled in accordance with an earlier licence) from any part of a designated area of a relevant park for use as firewood for domestic or camping purposes outside the park if it is cut and taken away in accordance with the conditions and the times determined by the Secretary.

Sch. 1AA
cl. 2(6A)
inserted by
No. 7/2012
s. 13(6).

(6B) The Secretary may from time to time determine the conditions and determine the times for the purposes of subclause (6A) by a determination published in the Government Gazette.

Sch. 1AA
cl. 2(6B)
inserted by
No. 7/2012
s. 13(6).

(6C) A person who acts under and in accordance with a determination under this clause does not commit an offence under this Act or the regulations.

Sch. 1AA
cl. 2(6C)
inserted by
No. 7/2012
s. 13(6).

(7) In this clause—

designated area means the land delineated and coloured blue on the plans lodged in the Central Plan Office and numbered LEGL./09-372 and LEGL./09-373;

earlier licence means a licence granted under section 52 of the **Forests Act 1958** that expired on or before 30 June 2009;

relevant park means the land described in Part 46 or 47 of Schedule Two.

3 Grazing licences—specified parks

(1) Any licence or permit—

(a) granted under section 52 of the **Forests Act 1958** to graze cattle on any part of the land described in Part 38, 46, 47, 48 or 49 of Schedule Two or Part 16 or Part 18 of Schedule Three; and

(b) in force immediately before the relevant park commencement—

subject to the provisions of the **Forests Act 1958**, continues in force, on and after that commencement, until its expiry as a licence or permit granted under that Act.

(2) Any licence—

(a) granted under section 130 of the **Land Act 1958** to graze cattle on any part of the land described in Part 38, 40, 46, 48 or 49 of Schedule Two, Part 34 of Schedule Two B or Part 16 or 18 of Schedule Three; and

(b) in force immediately before the relevant park commencement—

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

(3) Despite anything to the contrary in this Act, section 52 of the **Forests Act 1958** continues to apply to enable licences or permits to be granted under that section to graze cattle on any part of

the land described in Part 38, 46, 47, 48 or 49 of Schedule Two or Part 16 of Schedule Three in relation to which a licence or permit has been continued in force under subclause (1). Any licence or permit so granted may be dealt with under section 52 of the **Forests Act 1958**.

- (4) Despite anything to the contrary in this Act, section 130 of the **Land Act 1958** continues to apply to enable licences to be granted under that section to graze cattle on any part of the land described in Part 38, 40, 46, 48 or 49 of Schedule Two, Part 34 of Schedule Two B or Part 16 of Schedule Three in relation to which a licence has been continued in force under subclause (2). Any licence so granted may be dealt with under the **Land Act 1958**.
- (5) A licence or permit in force under subclause (3) or (4) is in force until the date it expires or 30 September 2014, whichever is the earlier.

4 Apiary licences and rights—specified parks

- (1) Any licence or permit—
- (a) granted under section 52 of the **Forests Act 1958** to take honey on any part of the land described in Part 38, 46, 47, 48 or 49 of Schedule Two or Part 11, 16 or 18 of Schedule Three; and
- (b) in force immediately before the relevant park commencement—

subject to the provisions of the **Forests Act 1958**, continues in force, on and after that commencement, until its expiry as a licence or permit granted under that Act.

(2) Any licence or right—

(a) granted under section 141, 147 or 149 of the **Land Act 1958** for the purpose of a bee farm, a bee range area or an apiary upon any part of the land described in Part 38, 46, 48 or 49 of Schedule Two or Part 17 of Schedule Three; and

(b) in force immediately before the relevant park commencement—

subject to the provisions of the **Land Act 1958**, continues in force, on and after that commencement, until its expiry as a licence or right granted under that Act.

**5 Licences for a pump, levee bank and cultivation—
Gunbower National Park**

(1) Any licence—

(a) granted under section 52 of the **Forests Act 1958** for the purposes of a pump, levee bank and cultivation over any part of the land described in Part 47 of Schedule Two; and

(b) in force immediately before the relevant park commencement—

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

(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 for the purposes of a pump, levee bank and cultivation on any part of the land described in Part 47 of Schedule Two in relation to which a licence has been continued in force under subclause (1). Any licence or permit so granted

may be dealt with under section 52 of the **Forests Act 1958**.

- (3) A licence or permit in force under subclause (2) is in force until the date it expires or 30 September 2014, whichever is the earlier.

6 Licences for equestrian activities—Nyah-Vinifera Park

Any licence—

- (a) granted under section 52 of the **Forests Act 1958** for the purposes of equestrian activities on any part of the land described in Part 18 of Schedule Three; and
- (b) in force immediately before the relevant park commencement—

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

7 Licences to enter and use land in certain parks for non-agricultural purposes

Any licence—

- (a) granted under section 138 of the **Land Act 1958** to enter and use any part of the land described in Part 46 or 48 of Schedule Two or Part 16 of Schedule Three; and
- (b) in force immediately before the relevant park commencement—

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

National Parks Act 1975
No. 8702 of 1975
Schedule One AA—Transitional provisions

Sch. 1AA cl. 8
repealed by
No. 44/2016
s. 31(2).

* * * * *

Sch. 1AA cl. 9
repealed by
No. 7/2012
s. 14(1).

* * * * *

Sch. 1AA
cl. 10
repealed by
No. 7/2012
s. 14(2).

* * * * *

Sch. 1AA Pt 3
(Heading and
cls 9–14)
inserted by
No. 7/2012
s. 15.

Part 3—Parks and Crown Land Legislation Amendment Act 2012

Sch. 1AA
new cl. 9
inserted by
No. 7/2012
s. 15.

9 Apiary licences and rights—Lake Tyers State Park

(1) Any licence or permit—

(a) granted under section 52 of the **Forests Act 1958** to take honey on any part of the land described in Part 39 of Schedule Two B; and

(b) in force immediately before the 2012 Act park commencement for that land—

subject to the provisions of the **Forests Act 1958**, continues in force, on and after that commencement, until its expiry as a licence or permit granted under that Act.

(2) Any licence or right—

(a) granted under section 141, 147 or 149 of the **Land Act 1958** for the purpose of a bee farm, a bee range area or an apiary on any part of the land described in Part 39 of Schedule Two B; and

(b) in force immediately before the 2012 Act
park commencement for that land—

subject to the provisions of the **Land Act 1958**,
continues in force, on and after that
commencement, until its expiry as a licence or
right granted under that Act.

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Sch. 1AA
new cl. 10
inserted by
No. 7/2012
s. 15,
repealed by
No. 44/2016
s. 31(2).

* * * * *

Sch. 1AA
cl. 11
inserted by
No. 7/2012
s. 15,
repealed by
No. 44/2016
s. 31(2).

12 Continuation of lease—Lake Tyers State Park

(1) Despite the commencement of section 18(2) of the
2012 Act, the Vodafone lease continues in force
on and after that commencement, subject to its
terms and may continue to be dealt with as a lease
under section 51 of the **Forests Act 1958**.

Sch. 1AA
cl. 12
inserted by
No. 7/2012
s. 15.

(2) In subclause (1), *Vodafone lease* means the lease
granted under section 51 of the **Forests Act 1958**
to Vodafone Network Pty Ltd (ACN 081 918 461)
dated to commence on 2 September 2003 over
Crown Allotment 2001, Section B, Parish of
Colquhoun East.

* * * * *

Sch. 1AA
cl. 13
inserted by
No. 7/2012
s. 15,
repealed by
No. 44/2016
s. 31(2).

Sch. 1AA
cl. 14
inserted by
No. 7/2012
s. 15.

14 Water frontage licence—Lake Tyers State Park

Any licence—

- (a) granted under section 130 of the **Land Act 1958** to use a water frontage on any part of the land described in Part 39 of Schedule Two B; and
- (b) in force immediately before the 2012 Act park commencement for that land—

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

Sch. 1AA Pt 4
(Heading and
cls 15–17)
inserted by
No. 45/2013
s. 18.

Part 4—National Parks Amendment (Leasing Powers and Other Matters) Act 2013

15 Continuation of leases granted under section 19(2)

- (1) On and from the commencement of section 4 of the **National Parks Amendment (Leasing Powers and Other Matters) Act 2013**, a tenancy of land granted to a person under section 19(2) and in force immediately before that commencement continues in force on and from that commencement until the tenancy expires, at such rent and subject to such terms and conditions as the Minister determined for that tenancy.
- (2) Despite subclause (1), this Act, as in force at the time of a renewal of a tenancy of land granted under section 19(2), applies to that renewal if the tenancy of land—

Sch. 1AA
cl. 15
inserted by
No. 45/2013
s. 18.

- (a) is in force immediately before the commencement of section 4 of the **National Parks Amendment (Leasing Powers and Other Matters) Act 2013**; and
- (b) contains an option to renew the tenancy for a further term or terms.

16 Continuation of licences granted under section 19(3)

Sch. 1AA
cl. 16
inserted by
No. 45/2013
s. 18.

- (1) On and from the commencement of section 4 of the **National Parks Amendment (Leasing Powers and Other Matters) Act 2013**, a licence granted to a person under section 19(3) and in force immediately before that commencement continues in force on and from that commencement until the licence expires, at such fees and charges and subject to such terms, conditions and covenants as the Minister determined for that licence.
- (2) Despite subclause (1), the Act, as in force at the time of a renewal of a licence granted under section 19(3), applies to that renewal if the licence—
 - (a) is in force immediately before the commencement of section 4 of the **National Parks Amendment (Leasing Powers and Other Matters) Act 2013**; and
 - (b) contains an option to renew the licence for a further term or terms.

17 Continuation of lighthouse leases granted under section 29B

Sch. 1AA
cl. 17
inserted by
No. 45/2013
s. 18.

- (1) On and from the commencement of section 9 of the **National Parks Amendment (Leasing Powers and Other Matters) Act 2013**, a lease granted to a person under section 29B(1) and in force immediately before that commencement continues in force on and from that commencement until the lease expires,

subject to such rent and such other charges and terms and conditions as the Minister determined for that lease.

- (2) Despite subclause (1), the Act, as in force at the time of a renewal of a lease granted under section 29B(1), applies to that renewal if the lease—
- (a) is in force immediately before the commencement of section 9 of the **National Parks Amendment (Leasing Powers and Other Matters) Act 2013**; and
 - (b) contains an option to renew the lease for a further term or terms.

Sch. 1AA Pt 5
(Heading and
cls 18–20)
inserted by
No. 79/2013
s. 22.

Part 5—Parks and Crown Land Legislation Amendment Act 2013

Sch. 1AA
cl. 18
inserted by
No. 79/2013
s. 22,
repealed by
No. 44/2016
s. 31(2).

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Sch. 1AA
cl. 19
inserted by
No. 79/2013
s. 22,
repealed by
No. 44/2016
s. 31(2).

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20 Gippsland Lakes Coastal Park—certain hatched land

Sch. 1AA
cl. 20
inserted by
No. 79/2013
s. 22.

If the land shown hatched on the plan lodged in the Central Plan Office and numbered N.P. 46A/7 is not surrendered to the Crown before the commencement of section 28 of the 2013 Act, on and from that commencement, that land is taken to be excluded from the park described in Part 6 of Schedule Three until the title to that land is surrendered to the Crown and upon that surrender, that land becomes part of that park.

**Part 6—Crown Land Legislation
Amendment (Canadian Regional Park
and Other Matters) Act 2016**

Sch. 1AA Pt 6
(Heading and
cls 21–25)
inserted by
No. 12/2016
s. 40.

21 Rights to cease—roads—Dandenong Ranges National Park

Sch. 1AA
cl. 21
inserted by
No. 12/2016
s. 40.

On the 2016 Act park commencement, for the land shown on the plan lodged in the Central Plan Office and numbered N.P. 86/5—

- (a) the land delineated and coloured yellow on the plan ceases to be a road or part of a road or road reserve; and
- (b) all rights, easements and privileges existing or claimed either by the public or any body or person, as incident to the express or implied grant or past dedication or supposed dedication or any past user or operation of law or otherwise, in relation to the land delineated and coloured yellow on the plan cease.

Sch. 1AA
cl. 22
inserted by
No. 12/2016
s. 40.

22 Rights to cease—roads—Murray-Sunset National Park

On the 2016 Act park commencement, for the land shown on the plan lodged in the Central Plan Office and numbered N.P. 51/4A and N.P. 51/4B—

- (a) the land delineated and coloured yellow on the plan ceases to be a road or part of a road or road reserve; and
- (b) all rights, easements and privileges existing or claimed either by the public or any body or person, as incident to the express or implied grant or past dedication or supposed dedication or any past user or operation of law or otherwise, in relation to the land delineated and coloured yellow on the plan cease.

Sch. 1AA
cl. 23
inserted by
No. 12/2016
s. 40.

23 Rights to cease—roads—Port Campbell National Park

In respect of the land shown on the plan lodged in the Central Plan Office and numbered LEGL./15-217—

- (a) the land delineated and shown hatched on the plan ceases to be a road or part of a road or road reserve; and
- (b) all rights, easements and privileges existing or claimed either by the public or any body or person, as incident to the express or implied grant or past dedication or supposed dedication or any past user or operation of law or otherwise, in relation to the land delineated and coloured yellow on the plan cease.

24 Rights to cease—roads—Warrandyte State Park

Sch. 1AA
cl. 24
inserted by
No. 12/2016
s. 40.

On the 2016 Act park commencement, for the land shown on the plan lodged in the Central Plan Office and numbered N.P. 21/8—

- (a) the land delineated and coloured yellow on the plan ceases to be a road or part of a road or road reserve; and
- (b) all rights, easements and privileges existing or claimed either by the public or any body or person, as incident to the express or implied grant or past dedication or supposed dedication or any past user or operation of law or otherwise, in relation to the land delineated and coloured yellow on the plan cease.

25 Rights to cease—roads—Steiglitz Historic Park

Sch. 1AA
cl. 25
inserted by
No. 12/2016
s. 40.

On the 2016 Act park commencement, for the land shown on the plan lodged in the Central Plan Office and numbered N.P. 52/7—

- (a) the land delineated and coloured yellow on the plan ceases to be a road or part of a road or road reserve; and
- (b) all rights, easements and privileges existing or claimed either by the public or any body or person, as incident to the express or implied grant or past dedication or supposed dedication or any past user or operation of law or otherwise, in relation to the land delineated and coloured yellow on the plan cease.

26 Apiary permits

Sch. 1AA
cl. 26
inserted by
No. 12/2016
s. 34.

A permit granted under section 21(1)(b) and in force immediately before the commencement of section 32 of the 2016 Act continues in force subject to its terms and conditions on and after

that commencement until the earliest of the following occurs—

- (a) the permit expires;
- (b) the permit is cancelled;
- (c) a bee site licence is granted under section 142 of the **Land Act 1958** to the holder of the permit granted under section 21(1)(b) in respect of more or less the same land.

Sch. 1AA Pt 7
(Heading and
cl. 26)
inserted by
No. 44/2016
s. 9.

Part 7—National Parks and Victorian Environmental Assessment Council Acts Amendment Act 2016

26 Rights to cease—Road—Greater Bendigo National Park

On the commencement of section 10 of the **National Parks and Victorian Environmental Assessment Council Acts Amendment Act 2016**, in respect of the land shown on the plan lodged in the Central Plan Office and numbered N.P. 105B/2—

- (a) the land delineated and coloured yellow on the plan ceases to be a road or part of a road or road reserve; and
- (b) all rights, easements and privileges existing or claimed either by the public or any body or person, as incident to the express or implied grant or past dedication or supposed dedication or any past user or operation of law or otherwise, in relation to the land delineated and coloured yellow on the plan cease.

Schedule Two—National parks

Section 17

Part 1—Alfred National Park

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.

Sch. 2 Pt 1
substituted by
No. 24/1988
s. 5(a),
amended by
No. 46/1998
s. 7(Sch. 1).

Part 2—Brisbane Ranges National Park

All those pieces or parcels of land containing 8885 hectares, more or less, situate in the Parishes of Anakie, Beremboke, Bungeeltap, Durdidwarrah, Gorrockburkghap and Moreep, County of Grant, 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. 1/8.

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),
90/2009
s. 13(1),
79/2013
s. 23(1).

Part 3—Tarra-Bulga National Park

All those pieces or parcels of land containing 2015 hectares, more or less, situate in the Parishes of Bulga and Devon, County of Buln Buln delineated and coloured pink or coloured green or coloured yellow in a plan lodged in the Central Plan Office and numbered N.P. 22/4 excepting therefrom the Tarra Valley Road.

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),
64/2004
s. 19(1)(a)–(d).

Part 4—Mornington Peninsula National Park

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),
substituted by
No. 43/2005
s. 6(1),
amended by
Nos 57/2006
s. 13(1),
7/2012
s. 16(1).

All those pieces or parcels of land containing 2680 hectares, more or less, situate in the Parishes of Fingal, Flinders, Nepean and Wannaeue, County of Mornington, being the land delineated by solid and dashed lines and coloured pink in the plan lodged in the Central Plan Office and numbered N.P. 20A/14.

Part 5—Churchill National Park

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).

All those pieces or parcels of land containing 271 hectares, more or less, situate in the Parish of Narree Worrان, 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.

Part 6—Dandenong Ranges National Park

All those pieces or parcels of land containing 3535 hectares, more or less, situated in the Parishes of Monbulk, Mooroolbark, Narree Worrان, Scoresby and Wandin Yallock, Counties of Evelyn and Mornington being the land delineated and coloured pink or coloured yellow in a plan lodged in the Central Plan Office and numbered N.P. 86/5.

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),
60/2005
s. 16(1)(a)–(d),
79/2013
s. 23(2),
12/2016
s. 41(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.

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).

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.

Part 8—Mitchell River National Park

All those pieces or parcels of land containing 14 395 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. 7/5.

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),
7/2012
s. 16(2),
79/2013 s. 25.

Sch. 2 Pt 9
substituted by
No. 9247
s. 3(1),
amended by
Nos 46/1998
s. 7(Sch. 1),
82/2009
s. 19(1).

Part 9—Hattah–Kulkyne National Park

All those pieces or parcels of land containing 49 975 hectares, more or less, situate in the Parishes of Brockie, Cantala, Colignan, Gayfield, Konardin, Kulkyne, Mournpoul, Nurnurnemal and Yelwell, County of Karkaroc, 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. 6/2.

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
Nos 46/1998
s. 7(Sch. 1),
60/2005
s. 16(2)(a)–(d),
54/2008
s. 10(1),
35/2010
s. 11(1),
7/2012
s. 16(3).

Part 10—Kinglake National Park¹¹

All those pieces or parcels of land containing 23 210 hectares, more or less, situate in the Parishes of Billian, Burgoyne, Clonbinane, Derril, Flowerdale, Kinglake, Linton, Queenstown, Tarrawarra North, Tourourrong, Wallan Wallan and Woodbourne, Counties of Anglesey, Bourke, Dalhousie and Evelyn, being the land delineated and coloured pink or coloured blue or coloured yellow in plans lodged in the Central Plan Office and numbered N.P. 8/10, N.P. 8A/3 and N.P. 8B/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 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.

Part 12—Lind National Park¹²

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 Park

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 Park

All those pieces or parcels of land containing 26 430 hectares, more or less, 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 coloured pink or coloured green or coloured yellow in the plan lodged in the Central Plan Office and numbered N.P. 10/4.

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), 54/2008 s. 10(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), 64/2004 s. 19(2)(a)–(d), 57/2006 s. 13(2), 7/2012 s. 16(4).

Part 15—French Island National Park

All those pieces or parcels of land containing 11 160 hectares, more or less, situate partly in the Parish of French Island, County of Mornington, being the land delineated and coloured pink in the plan lodged in the Central Plan Office and numbered N.P. 83/6 and also including the land 150 metres seaward from the mean high water mark of the land coloured pink on the plan. Excepted from the park 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), 64/2004 s. 19(3)(a)–(d).

Part 16—Morwell National Park

All those pieces or parcels of land containing 565 hectares, more or less, situate in the Parish of Yinnar and Jeeralang, County of Buln Buln, 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. 12/3.

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), 82/2009 s. 19(2), substituted by No. 79/2013 s. 24.

Part 17—Mount Buffalo National Park

All those pieces or parcels of land containing 31 020 hectares, 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 or coloured pink or coloured yellow in the plans lodged in the Central Plan Office and numbered N.P. 28/1 and N.P. 28A except for the following—

- (a) the roads shown as excluded;
- (b) the land delineated and bordered blue;

- (c) the land delineated and bordered blue in a plan lodged in the Central Plan Office and numbered N.P. 28B.

Part 18—Mount Eccles National Park

All those pieces or parcels of land containing 8565 hectares, more or less, situate in the Parishes of Ardonachie, Condah, Dunmore and Macarthur, County of Normanby, being the land delineated and coloured pink or coloured yellow in a plan lodged in the Central Plan Office and numbered N.P. 13/3.

Sch. 2 Pt 18 substituted by No. 44/1986 s. 4(1), amended by Nos 46/1998 s. 7(Sch. 1), 64/2004 s. 19(4)(a)–(d), 79/2013 s. 23(3).

Part 19—Mount Richmond National Park

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 153 hectares, more or less, situate in the Parishes of Holden, Maribyrmong 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. 15/4.

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), 60/2005 s. 16(3)(a)(b).

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,
60/2005
s. 16(4)(a)–(d).

Part 21—Port Campbell National Park

All those pieces or parcels of land containing 1830 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 coloured pink or coloured yellow excepting therefrom the Great Ocean Road in a plan lodged in the Central Plan Office and numbered N.P. 16/5. Excepted is any land forming part of the park described in Part 11 of Schedule Seven.

Sch. 2 Pt 22
substituted by
No. 9114
s. 3(1),
repealed by
No. 44/1986
s. 4(1).

* * * * *

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—Wilson's 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 Wilson's 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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Part 25—Wyperfeld National Park

All those pieces or parcels of land containing 359 445 hectares, more or less, situate in the Counties of Karkaroc and Weeah, being the land delineated and coloured pink in the plan lodged in the Central Plan Office and numbered N.P. 19/5.

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),
64/2004
s. 19(5)(a)–(c),
79/2013
s. 23(4).

Part 26—Burrowa–Pine Mountain National Park

All those pieces or parcels of land containing 184 square kilometres, more or less, situate in the Parishes of Berringama, Cudgewa, Jemba, Jinjelic, Tintalra, 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 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 27—Baw Baw National Park

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.

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 28—Croajingolong National Park

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),
64/2004
s. 19(6)(a)(b),
90/2009
s. 13(2),
35/2010
s. 11(2).

All those pieces or parcels of land containing 88 500 hectares, 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 coloured pink in a plan lodged in the Central Plan Office and numbered N.P. 30/8, also including the Skerries and Tullaberga Island to low water mark. 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.

Part 29—Snowy River National Park

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),
90/2009
s. 13(3).

All those pieces or parcels of land containing 114 600 hectares, more or less, situate in the Parishes of Bonang, Buchan, Bullamalk, Chilpin, Deddick, Dellicknora, Detarka, Gelantipy East, Moonkan, Murrindal East, Pinnak, Tingaringy, Tubbut, Wat Wat, Woongulmerang East and Yalmy, Counties of Croajingolong and Tambo, 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. 31/5.

Part 30—Chiltern-Mt Pilot National Park

All those pieces and parcels of land containing 21 650 hectares, more or less, in the Parishes of Barambogie, Barnawatha South, Beechworth, Byawatha, Chiltern, Chiltern West, El Dorado, Everton, Woorragee, Woorragee North, County of Bogong, being the land delineated and coloured pink or coloured yellow in the plans lodged in the Central Plan Office and numbered N.P. 42/6 and N.P. 42A/2.

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),
amended by
Nos 64/2004
s. 19(7)(a)(b),
7/2012
s. 16(5).

Part 31—Great Otway National Park

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),
substituted by
No. 60/2005
s. 16(5),
amended by
Nos 57/2006
s. 13(3),
54/2008
s. 10(3),
90/2009
s. 13(4),
35/2010
s. 11(3),
79/2013
s. 23(5),
12/2016
s. 41(2).

All those pieces or parcels of land containing 104 015 hectares, more or less, situate in the Counties of Grant, Heytesbury and Polwarth, being the land delineated and coloured pink in plans lodged in the Central Plan Office and numbered N.P. 111A/4, N.P. 111B/4, N.P. 111C/3, N.P. 111D/3, N.P. 111E/3, N.P. 111F/2, N.P. 111G/2, N.P. 111H/4, N.P. 111J/2 and N.P. 111K/2, excepting the Great Ocean Road, Beech Forest Road, Carlisle–Colac Road, Colac–Lavers Hill Road, Deans Marsh–Lorne Road, Forrest–Apollo Bay Road, Gellibrand River Road, Lavers Hill–Cobden Road, Otway Lighthouse Road, Princetown Road and Skenes Creek Road. Also excepted is any land between high water mark and low water mark forming part of the park described in Part 8 and 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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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).

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Part 34—Grampians National Park

All those pieces or parcels of land containing 168 235 hectares, more or less, situate in the Counties of Borung, Dundas, Ripon, and Villiers, 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. 61/6. 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)(ii)),
7/1997
s. 16(8)(a)–(d),
46/1998
s. 7(Sch. 1),
70/1998
s. 12(1)(a)–(c),
64/2004
s. 19(8)(a)–(d),
57/2006
s. 13(4),
90/2009
s. 13(5),
7/2012
s. 16(6).

Part 35—Coopracambra National Park

All those pieces or parcels of land containing 388 km², more or less, situate in the Parishes of Coogalah, 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

All those pieces or parcels of land containing 39 870 hectares, more or less, situate in the Parishes of Bendock, Bidwell, Bungywarr, Cobon, Dellicknora, Errinundra, Goolengook, Goongerah, Kuark and Noonga, 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. 92/2.

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),
90/2009
s. 13(6).

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)),
50/2000
s. 9(2)(a)–
(d)(3), 90/2009
s. 13(7),
7/2012
s. 16(7),
substituted by
No. 17/2013
s. 3.

Part 37—Alpine National Park^{13 14}

All those pieces or parcels of land containing 661 777 hectares, more or less, situated 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 in the plans lodged in the Central Plan Office and numbered N.P. 70/1b, N.P. 70/2c, N.P. 70/1d, N.P. 70/2e, N.P. 70/1g, N.P. 70/1h, N.P. 70/1j and N.P. 70/1n, except for the following—

- (a) the land bordered blue (other than the land shown bordered red or coloured yellow on the plans lodged in the Central Plan Office and numbered N.P. 70/1k and N.P. 70/1m);
- (b) Crown Allotment 1, Section 5, Parish of Burrungabugge, County of Benambra;
- (c) the land shown hatched on the plan lodged in the Central Plan Office and numbered N.P. 70/1n;
- (d) the roads shown on the plans as excluded;
- (e) the Benambra-Corryong Road, the Benambra-Limestone-Black Mountain road, the Dargo High Plains Road, the Great Alpine Road and the Omeo Highway.

Sch. 2 Pt 38
inserted by
No. 43/1990
s. 5,
amended by
Nos 46/1998
s. 7(Sch. 1),
82/2009
s. 19(3),
12/2016
s. 41(3).

Part 38—Murray–Sunset National Park

All those pieces or parcels of land containing 665 400 hectares, more or less, situate in the Counties of Karkaroor, Millewa and Weeah, being the land delineated and coloured pink or coloured yellow in the plans lodged in the Central Plan Office and numbered N.P. 51/4A and N.P. 51/4B.

Part 39—Yarra Ranges National Park¹⁵

All those pieces or parcels of land containing 77 185 hectares, more or less, situate in the Parishes of Brimbonga, Bullung, Buxton, Coornburt, Glenwatts, Gracedale, Granton, Manango, Monda, Nar-be-thong, Noojee, St. Clair, Steavenson, Taponga, Toorongo, Torbreck, Youarrabuck and Yuonga, Counties of Anglesey, Buln Buln, Evelyn, Tanjil and Wonnangatta being the land delineated and coloured pink or coloured blue excepting the roads shown as excluded in the plans lodged in the Central Plan Office and numbered N.P. 102A/3 and N.P. 102B/2.

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),
60/2005
s. 16(6)(a)–(d),
54/2008
s. 10(4),
79/2013
s. 23(6).

Part 40—Terrick Terrick National Park

All those pieces of land containing 6390 hectares, situate in the Parishes of Patho, Terrick Terrick East, Terrick Terrick West, Turrumberry, Turrumberry North and Wanurp, Counties of Bendigo and Gunbower, being land delineated and coloured pink in a plan lodged in the Central Plan Office and numbered N.P. 84/4.

Sch. 2 Pt 40
inserted by
No. 70/1998
s. 10,
amended by
Nos 50/2002
s. 12(4)(a)–(d),
82/2009
s. 19(4),
35/2010
s. 11(4).

Part 41—Greater Bendigo National Park

All those pieces and parcels of land containing 17 585 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 yellow or coloured blue in plans lodged in the Central Plan Office and numbered N.P.105A/4 and N.P. 105B/2 and, in the case of the land shown by hatching or vertical 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),
amended by
Nos 64/2004
s. 19(9)(a)–(e),
90/2009
s. 13(8),
35/2010
s. 11(5),
44/2016 s. 10.

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 Wirate, Counties of Dalhousie and Rodney, being the land delineated

Sch. 2 Pt 42
inserted by
No. 50/2002
s. 12(5),
amended by
No. 64/2004
s. 19(10)(a)(b).

and coloured pink or coloured yellow in a plan lodged in the Central Plan Office and numbered N.P. 106/1.

Sch. 2 Pt 43
(Heading)
amended by
No. 7/2012
s. 17(1).
Sch. 2 Pt 43
inserted by
No. 50/2002
s. 12(5),
amended by
Nos 90/2009
s. 13(9),
7/2012
s. 17(2).

Part 43—Kara Kara National Park

All those pieces and parcels of land containing 13 990 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 in a plan lodged in the Central Plan Office and numbered N.P. 107/2.

Sch. 2 Pt 44
inserted by
No. 43/2005
s. 6(2),
amended by
Nos 48/2009
s. 7, 79/2013
s. 23(7).

Part 44—Point Nepean National Park

All those pieces or parcels of land containing 578 hectares, more or less, situate partly in the Parish of Nepean, County of Mornington, being the land delineated by solid and dashed lines and coloured pink in the plan lodged in the Central Plan Office and numbered N.P. 110/2, excepting any land between high and low water mark forming part of the park described in Part 10 of Schedule Seven.

Sch. 2 Pt 45
inserted by
No. 54/2008
s. 10(5).

Part 45—Cobboboonee National Park

All those pieces or parcels of land containing 18 510 hectares, more or less, situate in the Parishes of Balrook, Cobboboonee, Drik Drik, Glenaulin, Gorae, Heywood, Kentbruck and Mouzie, County of Normanby, being the land delineated and coloured green or coloured pink or coloured yellow in the plan lodged in the Central Plan Office and numbered N.P. 112.

Sch. 2 Pt 46
inserted by
No. 82/2009
s. 20.

Part 46—Barmah National Park

All those pieces and parcels of land containing 28 505 hectares, more or less, situate in the Parishes of Barmah, Cocomah, Picola, Strathmerton, Ulupna, Yalca and Yielima, County of Moira, being the land delineated and coloured pink or coloured green or coloured yellow in the plan lodged in the Central Plan Office and numbered N.P. 113.

Part 47—Gunbower National Park

All those pieces and parcels of land containing 9330 hectares, more or less, situate in the Parishes of Cohuna, Gunbower, Gunbower West and Patho, County of Karkaroc, being the land delineated and coloured pink or coloured green in the plan lodged in the Central Plan Office and numbered N.P. 114.

Sch. 2 Pt 47
inserted by
No. 82/2009
s. 20.

Part 48—Lower Goulburn National Park

All those pieces and parcels of land containing 9320 hectares, more or less, situate in the Parishes of Coomboona, Kaarimba, Kanyapella, Kotupna, Moira, Mooropna, Shepparton, Tallygaroopna, Taripta, Udera, Wyuna, Counties of Moira and Rodney, being the land delineated and coloured pink in the plan lodged in the Central Plan Office and numbered N.P. 115/1.

Sch. 2 Pt 48
inserted by
No. 82/2009
s. 20,
amended by
No. 7/2012
s. 16(8).

Part 49—Warby-Ovens National Park

All those pieces and parcels of land containing 14 750 hectares, more or less, situate in the Parishes of Boorhaman, Boweya, Brimin, Bundalong, Estcourt, Glenrowen, Killawarra, Peechelba and Taminick, Counties of Bogong and Moira, 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. 116A and N.P. 116B/1.

Sch. 2 Pt 49
inserted by
No. 82/2009
s. 20,
amended by
No. 7/2012
s. 16(9).

Schedule Two A¹⁶—Wilderness parks

Section 17A

Sch. 2A
inserted by
No. 38/1989
s. 16.

Part 1—Big Desert Wilderness Park

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)).

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.

Part 2—Avon Wilderness Park

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)).

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.

Part 3—Wabba Wilderness Park

Sch. 2A Pt 3
inserted by
No. 40/1992
s. 7,
amended by
No. 46/1998
s. 7(Sch. 1).

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.

Schedule Two B¹⁷ —State parks

Section 17(1A)

Sch. 2B
inserted by
No. 38/1989
s. 28.

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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),
64/2004
s. 20(1),
repealed by
No. 60/2005
s. 17(1).

Part 2—Arthurs Seat State Park

All those pieces or parcels of land containing 565 hectares, more or less, situate in the Parishes of Wannaeue and Kangerong, County of Mornington being the land delineated and coloured pink in a plan lodged in the Central Plan Office and numbered N.P. 36/7 and the strata of land which are 6 metres or more above the land surface delineated and coloured blue on the plan lodged in the Central Plan Office and numbered N.P. 36A.

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),
64/2004
s. 20(2)(a)–(c),
7/2012
s. 18(1),
79/2013 s. 26.

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Sch. 2B Pt 3
inserted by
No. 38/1989
s. 28,
amended by
Nos 46/1998
s. 7(Sch. 1),
64/2004
s. 20(3),
repealed by
No. 82/2009
s. 21(1).

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),
64/2004
s. 20(4)(a)–(d).

Part 5—Bunyip State Park¹⁸

All those pieces or parcels of land containing 16 655 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 coloured pink or coloured yellow in a plan lodged in the Central Plan Office and numbered N.P. 87/2.

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
Nos 46/1998
s. 7(Sch. 1),
repealed by
No. 60/2005
s. 17(2).

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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.

Part 9—Dergholm State Park¹⁹

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 10 740 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 in a plan lodged in the Central Plan Office and numbered N.P. 33/4.

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),
54/2008
s. 11(1).

National Parks Act 1975
No. 8702 of 1975
Schedule Two B —State parks

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, Kangderaar, 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.

Part 16—Langi Ghiran State Park

All those pieces or parcels of land containing 3040 hectares, more or less, situate in the Parishes of Colvinsby and Warrak, Counties of Borung and Ripon, being the land delineated and coloured pink in a plan lodged in the Central Plan Office and numbered N.P. 65/2.

Sch. 2B Pt 16
inserted by
No. 38/1989
s. 28,
amended by
Nos 46/1998
s. 7(Sch. 1),
64/2004
s. 20(5)(a)–(d),
54/2008
s. 11(2).

Part 17—Lerderderg State Park

All those pieces or parcels of land containing 20 185 hectares, more or less, situate in the Parishes of Blackwood, Bullengarook, Coimadai, Coornmill, Myrniong and Yangardook, County of Bourke, being the land delineated and bordered red or coloured pink or coloured green or coloured yellow in plans lodged in the Central Plan Office and numbered N.P. 89/3 and N.P. 89A.

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),
64/2004
s. 20(6)(a)–
(e)(i)(ii),
90/2009 s. 14.

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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),
repealed by
No. 60/2005
s. 17(3).

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),
64/2004
s. 20(7)(a)–(e).

Part 19—Moondarra State Park

All those pieces or parcels of land containing 6330 hectares, more or less, situate in the Parishes of Bundowra, Moondarra, Tanjil and Tanjil East, County of Tanjil, being the land delineated and coloured pink excepting therefrom the Walhalla Road and Seninis Track and the land delineated and coloured brown in a plan lodged in the Central Plan Office and numbered N.P. 66/1.

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),
64/2004
s. 20(8)(a)–(e).

Part 20—Mount Arapiles–Tooan State Park²⁰

All those pieces or parcels of land containing 7470 hectares, more or less, situate in the Parishes of Arapiles, Gymbowen, Kalingur and Tooan, County of Lowan, being the land delineated and coloured pink in a plan lodged in the Central Plan Office and numbered N.P. 81/3.

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 Park²¹

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.

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 23
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 24
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.

Sch. 2B Pt 25
inserted by
No. 38/1989
s. 28,
amended by
No. 46/1998
s. 7(Sch. 1).

Part 26—Paddys Ranges State Park^{22 23}

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).

National Parks Act 1975
 No. 8702 of 1975
 Schedule Two B —State parks

Sch. 2B Pt 27 inserted by No. 38/1989 s. 28, repealed by No. 43/1990 s. 6.	*	*	*	*	*
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).	*	*	*	*	*
Sch. 2B Pt 29 inserted by No. 38/1989 s. 28, repealed by No. 37/1989 s. 12.	*	*	*	*	*
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), repealed by No. 82/2009 s. 21(2).	*	*	*	*	*

Part 31—Warrandyte State Park

All those pieces or parcels of land containing 693 hectares, more or less, situate in the Parishes of Nillumbik, Sutton and Warrandyte, County of Evelyn, being the land delineated and coloured pink or coloured yellow in a plan lodged in the Central Plan Office and numbered N.P. 21/8.

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),
60/2005
s. 17(4)(a)–(d),
54/2008
s. 11(3),
12/2016
s. 42(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, Gorrockburkghap 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 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).

* * * * *

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).

Part 34—Leaghur State Park

All that piece or parcel of land containing 2050 hectares, more or less, situate in the Parishes of Leaghur and Meering, County of Tatchera, being the land coloured pink or coloured green or coloured yellow in the plan lodged in the Central Plan Office and numbered N.P. 97/1.

Sch. 2B Pt 34
inserted by
No. 43/1990
s. 7,
amended by
Nos 46/1998
s. 7(Sch. 1),
82/2009
s. 21(3).

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 35—Mount Granya State Park²⁴

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 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 36—Enfield State Park²⁵

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 37
inserted by
No. 50/2002
s. 13(6),
amended by
No. 57/2006
s. 14.

Part 37—Broken-Boosey State Park

All those pieces and parcels of land containing 1010 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 in a plan lodged in the Central Plan Office and numbered N.P. 108/1.

Sch. 2B Pt 38
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.

Part 39—Lake Tyers State Park

All those pieces and parcels of land containing 8680 hectares, more or less, situate in the Parishes of Colquhoun, Colquhoun East, Ninnie, Nowa Nowa South, Tildesley East and Tildesley West, County of Tambo, being the land delineated and coloured pink in a plan lodged in the Central Plan Office and numbered N.P. 121/2.

Sch. 2B Pt 39
inserted by
No. 7/2012
s. 18(2),
amended by
Nos 79/2013
s. 27, 12/2016
s. 42(2).

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.

Schedule Three—Other parks

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),
64/2004
s. 21(1)(a)–(f),
57/2006
s. 15(1),
35/2010
s. 12(1).

Part 1—Beechworth Historic Park

All those pieces or parcels of land containing 1090 hectares, more or less, situate in the Township of Beechworth and the Parishes of Beechworth, El Dorado and Stanley, County of Bogong, being the land delineated and coloured pink or coloured green or coloured yellow in plans lodged in the Central Plan Office numbered N.P. 38A/5 and N.P. 38B/2.

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.

Sch. 3 Pt 1A
inserted by
No. 7/1997
s. 15(1),
amended by
No. 46/1998
s. 7(Sch. 1).

* * * * *

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 Park

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

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).

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),
64/2004
s. 21(2)(a)–(c).

Part 4—Woodlands Historic Park

All those pieces or parcels of land containing 820 hectares, situate in the Parishes of Bulla Bulla, Will-will-rook and Yuroke, County of Bourke, being the land delineated and coloured pink in a plan lodged in the Central Plan Office and numbered N.P. 75/2.

Sch. 3 Pt 5
inserted by
No. 38/1989
s. 31,
repealed by
No. 7/1997
s. 18(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),
35/2010
s. 12(2),
7/2012 s. 19,
79/2013 s. 28.

Part 6—Gippsland Lakes Coastal Park

All those pieces or parcels of land containing 17 690 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 coloured yellow in plans lodged in the Central Plan Office and numbered N.P. 46A/7, N.P. 46B/4 and N.P. 46C/7.

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.

Part 8—Lake Albacutya Park

All those pieces or parcels of land containing 8300 hectares, more or less, situate in the Counties of Karkaroc 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 8
inserted by
No. 38/1989
s. 28,
amended by
Nos 43/1990
s. 10(a)–(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 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 10—Lysterfield Park²⁶

All those pieces or parcels of land containing 1397 hectares, more or less, situate in the Parish of Narree Worrان, 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.

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 11—Murray—Kulkyne Park

All those pieces or parcels of land containing 4555 hectares, more or less, situate in the Parishes of Brockie, Cantala, Colignan, Kulkyne, Liparoo and Yelwell, County of Karkaroc, 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. 50/3.

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),
82/2009 s. 22.

Part 12—Tara Range Park

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), new
Sch. 3 Pt 12
inserted by
No. 90/2009
s. 15.

All those pieces and parcels of land containing 7620 hectares, more or less, situate in the Parishes of Bete Belong North, Buchan, Loongelaat and Pinnak, Counties of Croajingolong and Tambo, being the land delineated and coloured pink or coloured green or coloured yellow in the plan lodged in the Central Plan Office and numbered N.P. 120.

Part 13—Steiglitz Historic Park

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),
64/2004
s. 21(3)(a)–(e),
57/2006
s. 15(2),
12/2016
s. 43(1).

All those pieces or parcels of land containing 430 hectares, more or less, situate in the Township of Steiglitz and the Parishes of Durdidwarrah and Moreep, County of Grant, being the land delineated and coloured pink or coloured yellow in a plan lodged in the Central Plan Office and numbered N.P. 52/7.

Part 14—Tyers Park

Sch. 3 Pt 14
inserted by
No. 38/1989
s. 28,
amended by
No. 46/1998
s. 7(Sch. 1).

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.

Part 15—Cape Liptrap Coastal Park

All those pieces and parcels of land containing 4320 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 excepting therefrom the roads shown as excluded in the plan lodged in the Central Plan Office and numbered N.P. 104/3.

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 Nos 46/1998 s. 7(Sch. 1), 60/2005 s. 18(a)–(c), 79/2013 s. 29, 12/2016 s. 43(2).

Part 16—Gadsen Bend Park

All those pieces and parcels of land containing 1620 hectares, more or less, situate in the Parish of Bumbang, County of Karkaroc, being the land delineated and coloured pink in the plan lodged in the Central Plan Office and numbered N.P. 117/1.

Sch. 3 Pt 16 inserted by No. 82/2009 s. 23, amended by No. 12/2016 s. 43(3).

Part 17—Kings Billabong Park

All those pieces and parcels of land containing 2195 hectares, more or less, situate in the Parish of Mildura, County of Karkaroc, being the land delineated and coloured pink in the plan lodged in the Central Plan Office and numbered N.P. 118.

Sch. 3 Pt 17 inserted by No. 82/2009 s. 23.

Part 18—Nyah-Vinifera Park

All those pieces and parcels of land containing 1370 hectares, more or less, situate in the Parishes of Piangil, Tyntynder North and Tyntynder West, County of Tatchera, being the land delineated and coloured pink or coloured green or coloured yellow in the plan lodged in the Central Plan Office and numbered N.P. 119.

Sch. 3 Pt 18 inserted by No. 82/2009 s. 23.

Section 19F.
Sch. 4
(Heading)
inserted by
No. 10166
s. 20.

Schedule Four

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),
57/2006
s. 16(1),
79/2013
s. 30(2).

Part 1—Wilson's 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

National Parks Regulations 2013.

Part 2—Wilson's 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 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

National Parks Regulations 2013.

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),
57/2006
s. 16(1),
79/2013
s. 30(2).

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

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),
57/2006
s. 16(1),
79/2013
s. 30(2),
12/2016
s. 35(1).

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.

*Provisions of the **Land Act 1958** to apply to the land*

Sections 141 to 149 inclusive.

Application of the Regulations to the land

National Parks Regulations 2013.

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),
57/2006
s. 16(1),
79/2013
s. 30(2),
12/2016
s. 35(2).

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.

*Provisions of the **Land Act 1958** to apply to the land*

Sections 141 to 149 inclusive.

Application of the Regulations to the land

National Parks Regulations 2013.

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 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; 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,
Nos 40/2002
s. 23(5),
57/2006
s. 16(1),
79/2013 s. 30,
12/2016
s. 35(3).

- (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.

*Provisions of the **Land Act 1958** to apply to the land*

Sections 141 to 149 inclusive.

Application of the Regulations to the land

National Parks Regulations 2013.

Sch. 4 Pt 6
inserted by
GG 20.7.88
p. 2166,
amended by
GG 1.4.93
p. 760,
Nos 50/2002
s. 15(1)(b)-(e),
57/2006
s. 16(1),
79/2013
s. 30(2),
12/2016
s. 35(4).

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).

Provisions of the 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.

*Provisions of the **Land Act 1958** to apply to the land*

Sections 141 to 149 inclusive.

Application of Regulations to the Land

National Parks Regulations 2013.

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.

Sch. 4 Pt 7
inserted by
GG 18.12.91
p. 3537,
amended by
GG 1.4.93
p. 760,
Nos 40/2002
s. 23(6)(a)(b),
57/2006
s. 16(1),
79/2013
s. 30(2),
12/2016
s. 35(5).

Provisions of the Act to apply to the land

Sections 1 to 6 inclusive, 9 to 27 inclusive, 33(3), 35 to 48 inclusive.

*Provisions of the **Land Act 1958** to apply to the land*

Sections 141 to 149 inclusive.

Application of the Regulations to the land

National Parks Regulations 2013.

Sch. 4 Pt 8
inserted by
No. 50/2002
s. 15(2),
amended by
Nos 64/2004
s. 22(a)-(d),
57/2006 s. 16,
79/2013
s. 30(2),
12/2016
s. 35(6).

Part 8—Castlemaine Diggings National Heritage Park

Description

Crown land permanently reserved under the **Crown Land (Reserves) Act 1978** for the purposes of the protection of cultural and natural heritage and described in Division 1 of Part 2 of the Fifth Schedule to that Act.

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.

Provisions of the 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, 32D, 33, 35, 36, 37, 38, 39, 41, 43, 44, 45, 46, 47, 47A, 47B, 47C and 48.

*Provisions of the **Land Act 1958** to apply to the land*

Sections 141 to 149 inclusive.

Application of Regulations to the land

National Parks Regulations 2013.

National Parks Act 1975
No. 8702 of 1975
Schedule Four

Note: The description of this land is as follows—

All those pieces and parcels of land containing 7585 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 yellow in plans lodged in the Central Plan Office and numbered N.P. 109A/4, N.P. 109B/2 and N.P. 109C/2 to the extent that that land is at or above a depth of 100 metres below the land surface.

**Note to
Sch. 4 Pt 8
amended by
Nos 54/2008
s. 12, 35/2010
s. 13.**

Section 22.
Sch. 5
inserted by
No. 40/1992
s. 12.

Schedule Five—Wilderness zones

Sch. 5 Pt 1
inserted by
No. 40/1992
s. 12,
amended by
No. 46/1998
s. 7(Sch. 1).

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

Sch. 5 Pt 2
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 3
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 4
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

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).

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 6
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 7
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 8
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 9
inserted by
No. 40/1992
s. 12,
amended by
No. 46/1998
s. 7(Sch. 1).

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

Sch. 5 Pt 13
inserted by
No. 40/1992
s. 12,
amended by
No. 46/1998
s. 7(Sch. 1).

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 14
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 15
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

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).

Part 19—Cape Howe Wilderness Zone

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

Sch. 5 Pt 19
inserted by
No. 40/1992
s. 12,
amended by
No. 46/1998
s. 7(Sch. 1).

Part 20—Wilsons Promontory Wilderness Zone

All those pieces or parcels of land, containing 218 square kilometres more or less, situate in the Wilsons 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

Sch. 5 Pt 20
inserted by
No. 40/1992
s. 12,
amended by
Nos 46/1998
s. 7(Sch. 1),
43/2012
s. 3(Sch.
item 34.4).

Section 21B.
Sch. 6
inserted by
No. 40/1992
s. 15.

Schedule Six—Remote and natural areas

Sch. 6 Pt 1
inserted by
No. 40/1992
s. 15,
amended by
No. 46/1998
s. 7(Sch. 1).

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.

Sch. 6 Pt 2
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 3
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 4
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.

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).

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 6
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 7
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 8
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 9
inserted by
No. 40/1992
s. 15,
amended by
No. 46/1998
s. 7(Sch. 1).

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.

Sch. 6 Pt 12
inserted by
No. 40/1992
s. 15,
amended by
No. 46/1998
s. 7(Sch. 1).

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 13
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 14
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.

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 6200 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. 17/1.

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),
64/2004
s. 23(a)(b).

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 18
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 Cooperambra 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 19
inserted by
No. 40/1992
s. 15,
amended by
No. 46/1998
s. 7(Sch. 1).

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.

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).

Sch. 7 Pt 5
amended by
No. 90/2009
s. 16.

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. 4/3 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 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).

Sch. 7 Pt 8
amended by
No. 97/2003
s. 10(3).

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

Sch. 7 Pt 11
amended by
No. 97/2003
s. 10(4).

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).

Part 12—Wilson's 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).

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.

Sch. 8 Pt 2
amended by
No. 90/2009
s. 17.

Part 2—Beware Reef Marine Sanctuary

The land 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.

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.

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative 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.

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided section or clause of a Schedule is amended by the insertion of one or more subsections or subclauses, the original section or clause becomes subsection or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original section or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in an Act which is passed on or after 1 January 2001 form part of that Act. Any heading inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. This includes headings to Parts, Divisions or Subdivisions in a Schedule; sections; clauses; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in an Act which is passed on or after 1 January 2001 form part of that Act. Any examples, diagrams or notes inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, form part of that Act. See section 36(3A).

National Parks Act 1975
No. 8702 of 1975
Endnotes

- **Punctuation**

All punctuation included in an Act which is passed on or after 1 January 2001 forms part of that Act. Any punctuation inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. See section 36(3B).

- **Provision numbers**

All provision numbers included in an Act form part of that Act, whether inserted in the Act before, on or after 1 January 2001. Provision numbers include section numbers, subsection numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of an Act is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of an Act. See section 36(3)(3D)(3E).

National Parks Act 1975
No. 8702 of 1975
Endnotes

2 Table of Amendments

This publication incorporates amendments made to the **National Parks Act 1975** by Acts and subordinate instruments.

National Parks Act 1978, No. 9247/1978

Assent Date: 19.12.78
Commencement Date: All of Act (*except* Sch. 1 items (c)(d)(f), Sch. 2 item (b) Pt 7, item (c) Pts 10, 14, 17, 19, 21, 24, 25) on 26/04/1979: s. 1(3); rest of Act on 26/04/1980: s. 3(3); s. 50D(3) inserted on 30.10.02 by No. 50/2002: s. 2; ss 32P(6), 32Q(5) inserted on 11.11.05 by No. 60/2005 s. 10: Government Gazette 8.12.05
Note: S. 32P(6) provided that s. 32 expired on 1.7.09; s. 32Q(5) provided that s. 32Q expired on 1.7.09; s. 50D(3) provided that s. 50D expired on 26.2.12
Current State: All of Act in operation

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); ss 3(6), 7, 13 on 1.10.81: s. 2(4); 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

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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

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 Act 1975
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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 (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

National Parks Act 1975

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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 (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

National Parks Act 1975
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Endnotes

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

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

National Parks Act 1975

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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**

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**

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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

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**

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No. 8702 of 1975
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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**

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**

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No. 8702 of 1975
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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**

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**

National Parks Act 1975
No. 8702 of 1975
Endnotes

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**

Cemeteries and Crematoria Act 2003, No. 80/2003

Assent Date: 11.11.03
Commencement Date: S. 182 on 1.7.05: 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**

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**

Road Management Act 2004, No. 12/2004

Assent Date: 11.5.04
Commencement Date: Ss 164, 165 on 1.7.04: s. 2(2)
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**

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Endnotes

National Parks (Additions and Other Amendments) Act 2004, No. 64/2004

Assent Date: 12.10.04
Commencement Date: Ss 3–18 on 13.10.04: s. 2(1); ss 19(1)–(3)(5)(7)–(10), 20–24 on 16.11.04: Special Gazette (No. 236) 16.11.04 p. 1; s. 19(6) on 1.1.05: Special Gazette (No. 236) 16.11.04 p. 1; s. 19(4) on 30.6.05: s. 2(4)
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Geothermal Energy Resources Act 2005, No. 7/2005

Assent Date: 27.4.05
Commencement Date: S. 171 on 4.4.06: Special Gazette (No. 104) 4.4.06 p. 1
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

National Parks (Alpine National Park Grazing) Act 2005, No. 35/2005

Assent Date: 28.6.05
Commencement Date: Ss 3, 5, 6, 8, 9 on 29.6.05: s. 2(1); ss 4, 7, 10–12 on 14.8.05: s. 2(2)
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

National Parks (Point Nepean) Act 2005, No. 43/2005

Assent Date: 16.8.05
Commencement Date: Ss 3–6 on 17.8.05: s. 2(1); ss 7, 8 on 1.7.06: s. 2(3)
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

National Parks (Otways and Other Amendments) Act 2005, No. 60/2005

Assent Date: 20.9.05
Commencement Date: S. 12 on 21.9.05: s. 2(1); ss 3–11, 13–18 on 11.12.05: Government Gazette 8.12.05 p. 2845
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Pipelines Act 2005, No. 61/2005

Assent Date: 20.9.05
Commencement Date: S. 219 on 1.4.07: Government Gazette 29.3.07 p. 532
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

National Parks and Crown Land (Reserves) Acts (Amendment) Act 2006, No. 57/2006

Assent Date: 15.8.06
Commencement Date: Ss 3–12, 13(1)(3)(4), 14, 15, 16(1) on 16.8.06: s. 2(1); ss 13(2), 16(2) on 19.10.06: Government Gazette 19.10.06 p. 2221
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

National Parks Act 1975
No. 8702 of 1975
Endnotes

**Mineral Resources Development (Sustainable Development) Act 2006,
No. 63/2006**

Assent Date: 29.8.06
Commencement Date: S. 61(Sch. item 23) on 30.8.06: s. 2(1)
Current State: This information relates only to the provision/s
amending the **National Parks Act 1975**

Water (Governance) Act 2006, No. 85/2006

Assent Date: 17.10.06
Commencement Date: S. 173(Sch. 1 item 8) on 1.7.07: s. 2(3)
Current State: This information relates only to the provision/s
amending the **National Parks Act 1975**

**National Parks and Crown Land (Reserves) Acts Amendment Act 2008,
No. 54/2008**

Assent Date: 23.9.08
Commencement Date: Ss 4, 7 on 24.9.08: s. 2(1); ss 3, 5, 6, 8–12 on 9.11.08:
Government Gazette 6.11.08 p. 2574
Current State: This information relates only to the provision/s
amending the **National Parks Act 1975**

Greenhouse Gas Geological Sequestration Act 2008, No. 61/2008

Assent Date: 5.11.08
Commencement Date: S. 320 on 1.12.09: Special Gazette (No. 439) 1.12.09
p. 1
Current State: This information relates only to the provision/s
amending the **National Parks Act 1975**

Resources Industry Legislation Amendment Act 2009, No. 6/2009

Assent Date: 3.3.09
Commencement Date: S. 54 on 1.1.10: s. 2(2)
Current State: This information relates only to the provision/s
amending the **National Parks Act 1975**

Crown Land Acts Amendment (Lease and Licence Terms) Act 2009, No. 40/2009
(as amended by Nos 35/2010, 29/2011)

Assent Date: 5.8.09
Commencement Date: Ss 35–40 on 1.7.11: s. 2(3)
Current State: This information relates only to the provision/s
amending the **National Parks Act 1975**

National Parks Amendment (Point Nepean) Act 2009, No. 48/2009

Assent Date: 18.8.09
Commencement Date: Ss 4–7 on 6.12.09: Government Gazette 3.12.09
p. 3153
Current State: This information relates only to the provision/s
amending the **National Parks Act 1975**

National Parks Act 1975
No. 8702 of 1975
Endnotes

**Parks and Crown Land Legislation Amendment (River Red Gums) Act 2009,
No. 82/2009**

Assent Date: 8.12.09
Commencement Date: Ss 3, 4, 13–16 on 1.1.10: Government Gazette
17.12.09 p. 3338; ss 5–12, 17–23 on 29.6.10:
Government Gazette 24.6.10 p. 1274
Current State: This information relates only to the provision/s
amending the **National Parks Act 1975**

**Parks and Crown Land Legislation Amendment (East Gippsland) Act 2009,
No. 90/2009**

Assent Date: 15.12.09
Commencement Date: Ss 3–17 on 20.8.10: Government Gazette 19.8.10
p. 1799
Current State: This information relates only to the provision/s
amending the **National Parks Act 1975**

Transport Integration Act 2010, No. 6/2010

Assent Date: 2.3.10
Commencement Date: Ss 25(5)(Sch. 2 item 8), 203(1)(Sch. 6 item 32) on
1.7.10: Special Gazette (No. 256) 30.6.10 p. 1
Current State: This information relates only to the provision/s
amending the **National Parks Act 1975**

Offshore Petroleum and Greenhouse Gas Storage Act 2010, No. 10/2010

Assent Date: 23.3.10
Commencement Date: S. 800(Sch. 6 item 9) on 1.1.12: s. 2(2)
Current State: This information relates only to the provision/s
amending the **National Parks Act 1975**

Parks and Crown Land Legislation (Mount Buffalo) Act 2010, No. 35/2010

Assent Date: 15.6.10
Commencement Date: Ss 3–8, 14 on 8.7.10: Government Gazette 8.7.10
p. 1518; ss 9–13 on 21.8.10: Government Gazette
19.8.10 p. 1799
Current State: This information relates only to the provision/s
amending the **National Parks Act 1975**

Traditional Owner Settlement Act 2010, No. 62/2010

Assent Date: 21.9.10
Commencement Date: Ss 124–128 on 23.9.10: Special Gazette (No. 382)
22.9.10 p. 1
Current State: This information relates only to the provision/s
amending the **National Parks Act 1975**

Marine Safety Act 2010, No. 65/2010

Assent Date: 28.9.10
Commencement Date: S. 420(Sch. 3 item 13) on 1.7.12: s. 2(2)
Current State: This information relates only to the provision/s
amending the **National Parks Act 1975**

National Parks Act 1975
No. 8702 of 1975
Endnotes

Statute Law Revision Act 2011, No. 29/2011

Assent Date: 21.6.11
Commencement Date: S. 3(Sch. 1 item 63) on 22.6.11: s. 2(1)
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Parks and Crown Land Legislation Amendment Act 2012, No. 7/2012

Assent Date: 6.3.12
Commencement Date: Ss 3–19 on 1.9.12: Special Gazette (No. 291) 28.8.12 p. 1
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Statute Law Revision Act 2012, No. 43/2012

Assent Date: 27.6.12
Commencement Date: S. 3(Sch. item 34) on 28.6.12: s. 2(1)
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Forests Amendment Act 2012, No. 46/2012

Assent Date: 21.8.12
Commencement Date: S. 22 on 1.9.12: s. 2(2)
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Alpine Resorts and National Parks Acts Amendment Act 2013, No. 17/2013

Assent Date: 23.4.13
Commencement Date: S. 3 on 1.8.13: Special Gazette (No. 277) 30.7.13 p. 1
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

National Parks Amendment (Leasing Powers and Other Matters) Act 2013, No. 45/2013

Assent Date: 27.8.13
Commencement Date: S. 19 on 28.8.13: s. 2(1); ss 4–18 on 19.12.13: Special Gazette (No. 449) 17.12.13 p. 1
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Parks and Crown Land Legislation Amendment Act 2013, No. 79/2013

Assent Date: 17.12.13
Commencement Date: Ss 16–24, 26, 29, 30 on 18.12.13: s. 2(1); ss 25, 27, 28 on 1.9.14: Special Gazette (No. 282) 26.8.14 p. 1
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Victoria Police Amendment (Consequential and Other Matters) Act 2014, No. 37/2014

Assent Date: 3.6.14
Commencement Date: S. 10(Sch. item 115) on 1.7.14: Special Gazette (No. 200) 24.6.14 p. 2
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

National Parks Act 1975
No. 8702 of 1975
Endnotes

Filming Approval Act 2014, No. 51/2014

Assent Date: 12.8.14
Commencement Date: S. 9(Sch. 2 item 13) on 1.3.15: s. 2(2)
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Water Amendment (Flood Mitigation) Act 2014, No. 53/2014

Assent Date: 12.8.14
Commencement Date: S. 13 on 1.3.15: s. 2(2)
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

National Parks Amendment (Prohibiting Cattle Grazing) Act 2015, No. 16/2015

Assent Date: 12.5.15
Commencement Date: Ss 3, 4 on 13.5.15: s. 2
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Emergency Management (Control of Response Activities and Other Matters) Act 2015, No. 43/2015

Assent Date: 22.9.15
Commencement Date: S. 38 on 19.9.16: Special Gazette (No. 284) 13.9.16 p. 1
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

National Parks Amendment (No 99 Year Leases) Act 2015, No. 54/2015

Assent Date: 27.10.15
Commencement Date: Ss 3–13 on 28.10.15: s. 2
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Crown Land Legislation Amendment (Canadian Regional Park and Other Matters) Act 2016, No. 12/2016

Assent Date: 5.4.16
Commencement Date: Ss 38–43 on 5.8.16: Special Gazette (No. 239) 2.8.16 p. 1; ss 28–35 on 1.12.16: s. 2(2)
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

National Parks and Victorian Environmental Assessment Council Acts Amendment Act 2016, No. 44/2016

Assent Date: 23.8.16
Commencement Date: Ss 3–10, 31 on 7.9.16: Special Gazette (No. 278) 6.9.16 p. 1
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Crown Land Legislation Amendment Act 2016, No. 51/2016

Assent Date: 18.10.16
Commencement Date: S. 14 on 19.10.16: s. 2
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

National Parks Act 1975
No. 8702 of 1975
Endnotes

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

3 Amendments Not in Operation

This publication does not include amendments made to the **National Parks Act 1975** by the following Act/s.

National Parks (Amendment) Act 1989, No. 38/1989 (as amended by No. 64/2004)

Assent Date: 6.6.89
Commencement Date: S. 29(3) not yet proclaimed
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Traditional Owner Settlement Amendment Act 2016, No. 67/2016

Assent Date: 15.11.16
Commencement Date: S. 33 not yet proclaimed
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Victorian Fisheries Authority Act 2016, No. 68/2016

Assent Date: 15.11.16
Commencement Date: S. 169 not yet proclaimed
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

At the date of this publication, the following provisions amending the **National Parks Act 1975** were Not in Operation:

Amending Act/s:

National Parks (Amendment) Act 1989, No. 38/1989
(as amended by No. 64/2004)

29 Amendment of Schedule Two B

(3) In Schedule Two B to the Principal Act, for part 19 **substitute—**

"PART 19—MOONDARRA STATE PARK

All those pieces or parcels of land containing 6510 hectares, more or less, situate in the Parishes of Bundowra, Moondarra, Tanjil and Tanjil East, County of Tanjil, being the land delineated and coloured pink or coloured brown excepting therefrom the Walhalla Road and Seninis Track in a plan lodged in the Central Plan Office and numbered N.P. 66/1."

S. 29(3)
amended by
No. 64/2004
s. 36.

**Traditional Owner Settlement Amendment Act 2016,
No. 67/2016**

33 National Parks Act 1975

After section 4C of the **National Parks Act 1975**
insert—

**"4D Traditional owner agreement for natural
resources**

- (1) If a traditional owner group entity has an agreement under Part 6 of the **Traditional Owner Settlement Act 2010**, any provision of this Act that provides for an offence for carrying out an agreed activity (other than a provision specified in subsection (2)) does not apply to a member of the traditional owner group—
 - (a) who is bound by the agreement; and
 - (b) who is carrying out an agreed activity to which the offence applies in accordance with the agreement and on land to which the agreement applies.
- (2) For the purpose of subsection (1) the following provisions are specified—
 - (a) section 32N;
 - (b) section 37;
 - (c) section 44;
 - (d) section 45."

Victorian Fisheries Authority Act 2016, No. 68/2016

169 Definitions

In section 3(1) of the **National Parks Act 1975**,
for the definition of *authorised officer*
substitute—

"*authorised officer*" means a person appointed as an authorised officer for the purposes of this Act under—

- (a) Part 9 of the **Conservation, Forests and Lands Act 1987**; or
- (b) Part 3 of the **Victorian Fisheries Authority Act 2016**; "

4 Explanatory details

¹ 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 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.

² S. 13(5): See note 1.

³ S. 13(6): See note 1.

⁴ S. 13(8): See note 1.

⁵ S. 14(2): See note 1.

⁶ S. 14(6): See note 1.

⁷ S. 14(8): See note 1.

⁸ S. 27C:

S. 27C inserted by No. 10166 s. 14(1), repealed by No. 7/1997 s. 5.

⁹ 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).

¹⁰ 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 subsection or any guarantee entered into before that commencement in relation to that lease or any such assignment.
- (2) The lease referred to in subsection (1)(a) and any assignment or guarantee to which subsection (1)(b) relates—
 - (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 subsection, substituted as a party in place of the Melbourne Water Corporation in that lease and in any such assignment or guarantee.

¹¹ 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 subsection) 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 subsection) 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).
- (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

S. 26(1) repealed by No. 85/1998 s. 24(Sch. item 43).

* * * * *

- (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 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.

¹² 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.

¹³ Sch. 2 Pt 37: See note 12.

¹⁴ 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.

¹⁵ Sch. 2 Pt 39: See note 11.

¹⁶ 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.

¹⁷ Sch. 2B: See note 16.

¹⁸ 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 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.

¹⁹ Sch. 2B Pt 9: See note 18.

²⁰ Sch. 2B Pt 20: See note 12.

²¹ Sch. 2B Pt 21: See note 18.

²² Sch. 2B Pt 26: See note 12.

²³ Sch. 2B Pt 26: See note 18.

²⁴ 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.

²⁵ Sch. 2B Pt 36: See note 24.

²⁶ Sch. 3 Pt 10: See note 12.