



Western Australia.

ANNO QUINQUAGESIMO NONO

VICTORIÆ REGINÆ.

No. XXX.

AN ACT for the Management of Parks and Reserves vested in the Crown.

[Assented to, 12th October, 1895.]

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

1. THIS Act may be cited as "The Parks and Reserves Act, 1895." Short Title.

2. IN this Act the following expressions shall bear the meanings in this section assigned to them respectively, unless the context otherwise requires, or another meaning is expressly assigned:— Interpretation.

"Board" shall mean a Board of Parks and Reserves appointed under this Act.

"Parks and Reserves" shall mean Parks and Reserves vested in Her Majesty.

"The Treasurer" shall mean the Colonial Treasurer of Western Australia.

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Governor to appoint Boards to control and manage Parks and Reserves.

3. (1.) FOR the purpose of controlling and managing parks and reserves, the Governor shall appoint persons to form Boards of Parks and Reserves, and may appoint the president of every such Board, and may from time to time cancel and revoke such appointments and fill up vacancies in the Boards, and may appoint each of such Boards to control and manage such of the parks and reserves as he may from time to time think fit.

(2.) One-third of the members for the time being of a Board shall form a quorum for the transaction of business.

(3.) A Board may sue and be sued, and all legal proceedings may be taken by and against a Board, in the name of the President of the Board.

Duty of a Board.

4. THE duty of a Board shall be to control and manage all the parks and reserves so committed to them, and to employ in such control and management any funds provided for those purposes by Parliament, and any funds arising from profits, fees, pecuniary penalties, or otherwise coming to the hands of the Board in the course of such control or management.

Certain powers included in the general powers.

5. (1.) IN the exercise of its general powers in respect of the parks and reserves committed to them, a Board of control and management may, among other things, do as follows:—

- (a.) Fence in or otherwise enclose, clear, level, drain, plant, and form walks and carriage drives through and over such parks or reserves, or any part thereof;
- (b.) Construct dams and reservoirs for the retention and formation of sheets of water thereon;
- (c.) Otherwise improve or ornament such parks or reserves, and do all such things as are calculated to adapt such parks and reserves to the purposes of public recreation, health, and enjoyment;
- (d.) Establish and maintain zoological gardens therein.
- (e.) Grant licenses for the depasturing of animals on such park lands and reserves, and take for the same such fees as the Board may, by any by-law, from time to time appoint; and
- (f.) Grant licenses for the removal of any sand, gravel, or other earth or mineral, and for cutting and removing wood under such restrictions, and at such reasonable price, or such weekly, monthly, or yearly sum as the Board may think fit.

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(2.) Nothing in this section contained shall be construed to limit the general powers of a Board.

6. A BOARD may delegate any powers conferred on them by this Act to a committee of their body, and such committee shall, to the extent to which such powers are delegated, be deemed to be the Board within the meaning of this Act.

A Board may delegate powers to committee.

7. A BOARD may from time to time appoint a secretary, rangers, park-keepers, and other officers and servants, and all persons so appointed shall hold their offices during the pleasure of the Board.

A Board may appoint officers and servants.

8. (1.) A BOARD may, with the approval of the Governor, from time to time make, repeal, or alter by-laws for giving effect to this Act in respect of the parks and reserves committed to them, and in particular for:

A Board may make by-laws.

The regulation of the meetings and general business of the Board ;

Keeping accounts of the receipts and expenditure of the Board ;

The management and conservation of the park lands and reserves, including zoological gardens ;

The appointment and guidance of keepers or servants employed therein ;

Prescribing the time at which any such park lands and reserves shall be opened and closed ;

The conduct of persons frequenting any such park lands and reserves ;

Prescribing the days on which, and the bounds or limits within which, sports, games, and gymnastics may be permitted on the park lands and reserves, and otherwise regulating or prohibiting such sports, games, and gymnastics ;

Preventing or regulating the admission of vehicles, horses, dogs, asses, mules, camels, and cattle to the park lands and reserves ;

Preventing or regulating shooting over, on, or in the park lands and reserves ;

Preventing or regulating matches, or training for racing with horses, dogs, or otherwise upon the park lands and reserves ;

Enabling police constables, or special constables, park-rangers, and other officers of the Board to remove persons who are guilty of any breach of any by-law from the park lands and reserves ;

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Regulating or preventing the selling or exposing for sale goods, wares, or merchandise on the park lands and reserves ;

Prohibiting damage or injury to and destruction of trees, shrubs, plants and flowers in the park lands and reserves ;

The prevention of nuisances in the park lands and reserves, and the fouling of any ornamental water therein ;

Prescribing the fees to be charged the public for admission to the park lands and reserves, or part thereof, and the occasions when such fees shall be payable, and prohibiting free admission thereto on such occasions.

(2.) A Board may, by such by-laws, impose maximum pecuniary penalties for breach of any by-law not exceeding Twenty pounds.

Fines, except as excepted, to go to the use of the Board.

(3.) All pecuniary penalties for offences against any by-laws made by a Board in pursuance of this Act, except such portion thereof as may go to the use of the informer or prosecutor, shall go to the use of such Board.

By-laws to be gazetted.

9. SUCH by-laws shall be published in the *Government Gazette*, and shall be laid before both Houses of Parliament within fourteen days after such publication, if Parliament be then sitting, and if Parliament be not then sitting, within fourteen days after its next meeting ; and such by-laws, when published, shall have the effect of law, unless repealed or altered as aforesaid, or disallowed by both Houses of Parliament.

Penalties for trespass of cattle.

10. THE owner of any cattle within the meaning of the Trespass Act, hereinafter cited, which are found trespassing on any enclosed park or reserve, whether damage is proved to have been committed or not, shall forfeit and pay to the Board the like sums as mentioned in the "Trespass Scale" of "The Cattle Trespass, Fencing, and Impounding Act, 1882," in respect of trespass on a public street or thoroughfare in a town or city, or in an enclosed public cemetery.

Boards to act by majorities, and member presiding to have casting vote.

11. A BOARD shall act by a majority of votes, and if at any meeting there is an equality of votes, the president or the member actually presiding shall have a second or casting vote.

Boards to keep accounts and transmit them to Treasurer.

12. THE Board shall cause a full and true account to be kept of all moneys expended by the Board, and of all moneys received by the Board as well from licenses, grazing, sale of trees, wood, loppings, or underwood, or otherwise as from the vote of Parliament, and shall, on or before the first day of August in every year, transmit to the Treasurer a copy of such account made up to the 30th day of June then last past and certified by the president.

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13. OFFENCES against this Act, and against the by-laws made thereunder, shall be summarily punishable upon conviction before two Justices of the Peace, not being members of a Board; and sections A, C, F, G, and H of the Schedule of "The Shortening Ordinance, 1853," shall be incorporated with and taken to form part of this Act to all intents and purposes, and in as full and ample a manner as if the said sections had been introduced and fully set forth in this Act.

Incorporation of
part of Shortening
Ordinance.

In the name and on behalf of the Queen I hereby assent
to this Act.

ALEX. C. ONSLOW, Administrator.