



Western Australia

Parks and Reserves Act 1895

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Parks and Reserves Act 1895

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Defined terms

Parks and Reserves Act 1895

An Act for the control and management of certain land reserved to the Crown.

[Long title amended by No. 76 of 2003 s. 6.]

1. Short title

This Act may be cited as the *Parks and Reserves Act 1895*¹.

[Section 1 amended by No. 60 of 1947 s. 2.]

2. Terms used

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 —

authorised person in relation to any land placed under the control of a Board, or any by-laws made by a Board, means —

- (a) any member of the Police Force; or
- (b) any member of the Board; or
- (c) any ranger appointed by the Board pursuant to section 7;

Board shall mean a Board appointed under this Act;

function includes power, right, benefit and obligation;

owner of a vehicle means the person who is the holder of the requisite vehicle licence or permit under the *Road Traffic Act 1974* in respect of that vehicle, or if the vehicle is not the subject of a licence or permit under that Act, the person who owns the vehicle or is entitled to its possession;

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Treasurer shall mean the Treasurer of Western Australia;

vehicle includes any vehicle that comes within the interpretation of that term in the *Road Traffic Act 1974*.

[Section 2 amended by No. 8 of 1925 s. 2; No. 17 of 1955 s. 2; No. 50 of 1978 s. 2; No. 5 of 1995 s. 10; No. 31 of 1997 s. 75(1); No. 76 of 2003 s. 7.]

2A. Application

- (1) This Act does not authorise the Governor to appoint persons to form a Board to control and manage the Rottnest Island Reserve as described in section 4 of the *Rottnest Island Authority Act 1987*.
- (2) This Act does not authorise the Governor to appoint persons to form a Board to control and manage designated land as defined in section 3 of the *Botanic Gardens and Parks Authority Act 1998*.

[Section 2A inserted by No. 91 of 1987 s. 51; amended by No. 53 of 1998 s. 56.]

3. Boards to control etc. reserved land, appointment of etc.

- (1) The Governor may appoint persons to form Boards to control and manage land that is reserved under Part 4 of the *Land Administration Act 1997*, 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 any such land as he may from time to time think fit.
- (2) Not less than half 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.

-
- (4) The Governor may by proclamation constitute any Board under such name as he deems fit, a body corporate with perpetual succession and a Common Seal with power to sue and be sued in its corporate name, to acquire, hold, lease and dispose of real and personal property to borrow money with the approval of the Governor and to do and permit to be done all things which are required by this Act to be done by a Board or which are necessary and convenient to be done by a Board for the purpose of giving effect to this Act.
- (5) Where a Board is constituted a body corporate under the provisions of subsection (4) by force of this subsection, the functions until then exercised and exercisable by the Board shall be transferred to the Board as so constituted and an order in council which has placed land under the control of the Board shall be amended so as to place the land under the control of the Board as so constituted.
- (6) If a Board that is constituted a body corporate under subsection (4) —
- (a) has had land vested in it under section 33 of the *Land Act 1933*² with power to lease, the Board shall be taken always to have had power to lease the land under and subject to that Act; or
 - (b) has the care, control and management of land placed with it under Part 4 of the *Land Administration Act 1997* with power to lease, the Board has the power to lease the land under and subject to that Act.
- (7) Subject to section 15, the Governor may, by order, dissolve a Board that is constituted a body corporate under subsection (4).
- (8) An appointment of a person as a member of a Board is revoked on the dissolution of the Board under subsection (7).

[Section 3 amended by No. 17 of 1955 s. 3; No. 5 of 1995 s. 11; No. 31 of 1997 s. 75(2) and (3); No. 76 of 2003 s. 8; No. 8 of 2009 s. 98.]

4. Boards' general functions

The duty of a Board shall be to control and manage all the land placed under its control, 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.

[Section 4 amended by No. 76 of 2003 s. 9.]

5. Boards' specific functions

(1) In the exercise of its general powers in respect of the land placed under its control, a Board 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 the land, or any part thereof; and
- (b) construct dams and reservoirs for the retention and formation of sheets of water thereon; and
- (c) otherwise improve or ornament the land, and do all such things as are calculated to adapt the land to the purposes of public recreation, health, and enjoyment; and
- (d) establish and maintain zoological gardens therein; and
- (e) grant licences for the depasturing of animals on the land, and take for the same such fees as the Board may, by any by-law, from time to time appoint; and
- (f) grant licences 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.

(1a) A Board shall not grant a licence under subsection (1)(e) or (f) unless —

- (a) the approval of the Minister has been first obtained; or

(b) the purpose for which the land the subject of the proposed licence is placed under the control of the Board is specifically that for which the licence is proposed to be granted.

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

[Section 5 amended by No. 59 of 1954 s. 2; No. 4 of 1972 s. 2; No. 50 of 1978 s. 3; No. 77 of 1982 s. 16; No. 8 of 1985 s. 2; No. 1 of 1990 s. 3; No. 5 of 1995 s. 12; No. 53 of 1998 s. 56; No. 76 of 2003 s. 10.]

6. Board may delegate to committee

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.

7. Board may appoint rangers and other staff

(1) 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.

(2) A person appointed to the office of ranger under subsection (1) may hold that office in conjunction with any other office under that subsection.

(3) Notwithstanding anything in this section, to the extent that there is in the case of a person who is appointed under subsection (1) to be a secretary, ranger, park-keeper or other officer and who is a member of the Senior Executive Service within the meaning of the *Public Sector Management Act 1994*³ an inconsistency between this Act and that Act that Act shall prevail.

[Section 7 amended by No. 50 of 1978 s. 4; No. 113 of 1987 s. 32.]

7A. Powers of authorised persons

- (1) An authorised person who is not a member of the Police Force and who finds a person committing an offence against any by-law made by a Board, or who on reasonable grounds suspects that such an offence has been committed or is about to be committed, may without warrant other than the provisions of this section —
- (a) remove any vehicle, animal or other thing from land placed under the control of the Board; and
 - (b) stop, detain and search any vehicle, vessel or conveyance; and
 - (c) enter and search any hut, tent, caravan or other erection which is not a permanent residence,

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

- (1a) The offices of member of the Board and ranger appointed under section 7 are each prescribed to be public officers for the purposes of the *Criminal Investigation (Identifying People) Act 2002* and as such may exercise the powers in Part 3 of that Act.
- (2) An authorised person may examine any vehicle on land placed under the control of the Board and require the person apparently in charge of the vehicle to inform him whether the vehicle is the subject of a licence or permit under the *Road Traffic Act 1974* and to give to him the name and address of the owner of the vehicle.
- (3) An authorised person who has reason to believe that a vehicle has been used, driven, parked, stood or left in breach of any

by-law made by a Board may require the owner of the vehicle and any person to whom for the time being the possession or control of a vehicle may be entrusted to give any information which it is in his power to give, which may lead to the identification of any person who was driving or who was in charge of the vehicle when the offence is alleged to have been committed.

- (4) As regards an authorised person who is a member of the Police Force, the provisions of this Act relating to authorised persons are not in derogation of but are in addition to those of other Acts relating to members of the Police Force.

[Section 7A inserted by No. 50 of 1978 s. 5; amended by No. 6 of 2002 Sch. 2 cl. 4; No. 76 of 2003 s. 11.]

7B. Certificate of authority for Board's members and rangers

- (1) A Board shall issue to —
- (a) each of its members; and
 - (b) each ranger appointed by it pursuant to section 7,
- a certificate in the form of the Schedule.
- (2) An authorised person who is not a member of the Police Force shall produce the certificate issued to him under subsection (1) whenever required so to do by any person in respect of whom he has exercised or is about to exercise any of his powers under this Act.
- (3) In any proceedings under this Act production of a certificate in the form of the Schedule is conclusive evidence in any court of the appointment by reason of which the person to whom the certificate relates became an authorised person within the meaning of this Act and of his authority to exercise the powers conferred on an authorised person under this Act.

[Section 7B inserted by No. 50 of 1978 s. 5.]

7C. Speed measuring equipment, evidentiary provisions as to

- (1) In this section *speed measuring equipment* means apparatus of a type approved under section 98A(2) of the *Road Traffic Act 1974*.
- (2) In any proceedings for an offence against any by-law made under this Act, evidence may be given of the use of speed measuring equipment by an authorised person in relation to a vehicle and of the speed at which that vehicle was moving as ascertained by the use of that equipment, and that evidence is, in the absence of evidence to the contrary, proof of the speed at which that vehicle was moving at the time of the use of that equipment in relation to that vehicle.
- (3) In any proceedings for an offence against any by-law made under this Act, evidence by an authorised person that apparatus used by him was speed measuring equipment within the meaning of this section is, in the absence of evidence to the contrary, proof of that fact.
- (4) Nothing in this section shall be construed as precluding or restricting the introduction of any competent evidence, whether in addition to, or independent of, any evidence for which provision is made by this section, bearing on the question of whether a person was or was not guilty of an offence.

[Section 7C inserted by No. 22 of 1983 s. 3.]

8. By-laws

- (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 land placed under its control, and in particular for —
 - (a) the regulation of the meetings and general business of the Board and where a Board is constituted a body corporate under the provisions of section 3 prescribing the manner in which the Seal of the Board may be

affixed to documents, and the manner in which documents issued by the Board may be authenticated; and

- (b) keeping accounts of the receipts and expenditure of the Board; and
- (c) the management and conservation of the land, including zoological gardens; and
- (d) the appointment and guidance of keepers or servants employed therein; and
- (e) prescribing the time at which any such land shall be opened and closed; and
- (f) the conduct of persons frequenting any such land; and
- (g) prescribing the days on which, and the bounds or limits within which, sports, games, and gymnastics may be permitted on the land, and otherwise regulating or prohibiting such sports, games and gymnastics; and
- (h) regulating traffic and the use of vehicles upon roads, and the use of footpaths, and in particular —
 - (i) prescribing the rules to be observed in respect of any vehicle being driven or used on roads, and the use of footpaths and bridle tracks on the land;
 - (ii) regulating, prohibiting or restricting the driving of any specified kinds of vehicles or of any vehicles of any specified weights or of any vehicles carrying any specified loads on any road, footpath or bridle track on the land;
 - (iii) prescribing the places where vehicles of any class or description may or may not be parked on the land;

and

- (i) preventing or regulating the admission of vehicles, birds, horses, dogs, asses, mules, camels, cattle, and animals of any other kind to the land; and

- (j) preventing or regulating shooting over or on the land;
and
- (k) preventing or regulating matches, or training for racing with horses, dogs, or otherwise upon the land; and
- (l) enabling authorised persons to remove persons who have committed any breach of any by-law from the land;
and
- (m) prohibiting the wilful obstruction of authorised persons acting in the execution of this Act and prescribing circumstances in which a person shall be treated as having wilfully obstructed an authorised person; and
- (n) prohibiting the impersonation of authorised persons; and
- (o) prescribing the circumstances in which where it is alleged that a vehicle has been used, driven, parked, stood or left in breach of any by-law and where —
 - (i) the identity of the alleged offender is not known;
and
 - (ii) the owner of the vehicle fails within the prescribed time to either satisfy the Board that the vehicle had been stolen or unlawfully taken, or was being unlawfully used, at the time the offence is alleged to have been committed or inform the Board or an authorised person as to the identity and address of the person whom he believed was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed,

the owner shall be deemed to have been the driver or person in charge of the vehicle at the time of the alleged offence; and
- (p) prohibiting any person other than the owner, driver or person in charge of a vehicle from removing any notice attached to, or left in or on, the vehicle pursuant to section 14; and

- (q) regulating or preventing the selling or exposing for sale of goods, wares, or merchandise on the land; and
 - (r) prohibiting damage or injury to and destruction of trees, shrubs, plants and flowers on the land; and
 - (s) the prevention of nuisances on the land, and the fouling of any ornamental water on the land; and
 - (t) prescribing the fees to be charged the public for admission to the land, or part thereof, and the occasions when such fees shall be payable, and prohibiting free admission thereto on such occasions; and
 - (u) regulating the payment of, and prescribing the method of the collection of, fees charged pursuant to any regulation; imposing on any prescribed class of persons the duty of collecting fees, on behalf of the Board; and, generally, prescribing all matters that may be necessary or expedient to be prescribed for the purpose of assuring that the fees are collected and paid to the Board.
- (2) A Board may, by such by-laws, impose pecuniary penalties, not exceeding a fine of \$1 000, for breach of any by-law and prescribe sums not exceeding \$200 payable by way of penalty by persons who proceed in the manner described in section 14(2)(d).
- (3) All pecuniary penalties for offences against any by-laws made by a Board in pursuance of this Act shall go to the use of such Board.

[Section 8 amended by No. 60 of 1947 s. 3; No. 17 of 1955 s. 4; No. 40 of 1963 s. 2; No. 4 of 1972 s. 3; No. 50 of 1978 s. 6; No. 8 of 1985 s. 3; No. 78 of 1995 s. 98; No. 76 of 2003 s. 12; No. 19 of 2010 s. 51.]

9. By-laws to be gazetted and tabled

Such by-laws shall be published in the *Government Gazette*, and shall be laid before both Houses of Parliament within 14 days after such publication, if Parliament be then sitting, and if

s. 11

Parliament be not then sitting, within 14 days after its next meeting; and, in respect of the land placed under the control of the Board that made the by-laws, such by-laws, when published, shall have the effect of law, unless repealed or altered as aforesaid, or disallowed by both Houses of Parliament.

[Section 9 amended by No. 77 of 1982 s. 17; No. 76 of 2003 s. 13.]

[10. Deleted by No. 76 of 2003 s. 14.]

11. Board meetings, voting at

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.

12. Application of *Financial Management Act 2006* and *Auditor General Act 2006*

The provisions of the *Financial Management Act 2006* and the *Auditor General Act 2006* regulating the financial administration, audit and reporting of statutory authorities apply to and in respect of a Board and its operations if the Board is listed in Schedule 1 to that Act.

[Section 12 inserted by No. 98 of 1985 s. 3; amended by No. 74 of 2003 s. 90; No. 77 of 2006 Sch. 1 cl. 117.]

12A. Liability of parents for acts etc. of child

- (1) Where any loss is suffered by a Board as a result of any damage or destruction occasioned —
- (a) on land placed under the control of the Board; or
 - (b) to any property owned by or under the care and control of the Board,

by the intentional or negligent act or omission of a child, the Board may recover the amount of that loss from the parent or guardian of that child by action in a court of competent jurisdiction unless the parent or guardian shows that he did not

conduce to the act or omission of the child by neglecting to exercise due care and control of the child.

- (2) In subsection (1) —

child means a person who has not attained the age of 18 years;
parent has the meaning given to that term in section 3 of the *Children and Community Services Act 2004*.

[Section 12A inserted by No. 50 of 1978 s. 7; amended by No. 76 of 2003 s. 15; No. 34 of 2004 Sch. 2 cl. 19.]

12B. Animals, evidentiary provisions as to

- (1) Where in any proceedings, whether civil or penal, instituted by a Board any animal, whether registered under any Act or not so registered, is shown to have been habitually in the apparent ownership of any person, that person is deemed, unless he can show cause to the contrary, to have been and to continue to be the owner of that animal and liable for the control of that animal.
- (2) It shall not be a defence in any proceedings, whether civil or penal, instituted by a Board in relation to an animal for the person who is registered under any Act as, or is otherwise found to be, the owner to show that at the material time the animal was not in his possession or control unless he also shows that the animal in question was in the actual possession or control of some other person without his consent.
- (3) Where in any proceedings instituted by a Board in relation to an animal a person is alleged to have permitted any act or thing it shall be a defence to any prosecution that the contravention or non-compliance occurred without his knowledge, consent or connivance only if it is also shown that he exercised all due diligence to prevent it.

[Section 12B inserted by No. 50 of 1978 s. 8; amended by No. 73 of 1994 s. 4.]

13. Protection from personal liability

- (1) In this section, a reference to the doing of anything includes a reference to the omission to do anything.
- (2) An action in tort does not lie against a person, other than a Board, for anything that the person has, in good faith, done in the performance or purported performance of a function under this Act.
- (3) The protection given by this section applies even though the thing done in the performance or purported performance of a function under this Act may have been capable of being done whether or not this Act had been enacted.
- (4) This section does not relieve the Board or the Crown of any liability that it might have for the doing of anything by a person against whom this section provides that an action does not lie.

[Section 13 inserted by No. 59 of 2004 s. 141.]

14. Infringement notices

- (1) Where an authorised person finds a person committing an offence against any by-law made by a Board or suspects on reasonable grounds that a person has committed such an offence and, having regard to the nature of the alleged offence and the circumstances in which the alleged offence occurs or occurred, the authorised person believes that proceedings under this section are adequate he may upon ascertaining the name and address of the person give the notice specified in this section.
- (2) The notice —
 - (a) shall be identified by a serial number;
 - (b) shall identify the person to whom it is given by his name and address;
 - (c) shall state in general terms the offence that the person is alleged to have committed;

- (d) shall inform the person in general terms that if he does not desire the matter to be determined in a court hearing he may complete the form attached to or appearing upon the notice and may forward or deliver that form together with a prescribed sum by way of penalty to the person named therein within the time appointed in the notice, which shall be not less than 10 days from the date of giving the notice, whereupon he will not be liable to further costs or penalty in the matter;
 - (e) shall inform the person in general terms that he has a right to decline to proceed in the manner described in paragraph (d) and to allow the matter to be determined in a court hearing —
 - (i) if he desires to contest the question whether the offence alleged was in fact committed; or
 - (ii) if he wishes to submit to the court matters in extenuation of penalty; or
 - (iii) for any other reason,in which event he need not reply or take further action in respect of the notice and that in such case court process will issue against him in due course.
- (3) Notwithstanding subsection (1) and subsection (2)(b), where it is alleged that a vehicle is being or has been used, driven, parked, stood or left in breach of any by-law made by a Board and the identity of the driver or person in charge of the vehicle is not known and cannot immediately be ascertained a notice pursuant to subsection (1) may —
- (a) in any case, be addressed and given to the owner of the vehicle within 30 days after the date on which the offence is alleged to have been committed; or
 - (b) where the allegation is of an offence of which the parking, standing or leaving of the vehicle is an element, be addressed to the owner of the vehicle, without naming him or stating his address, and be given to him

by attaching it to the vehicle or leaving it in or on the vehicle.

- (4) Where a person to whom notice is given pursuant to this section proceeds in the manner described in subsection (2)(d) within the time appointed in the notice a proceeding against him by way of prosecution for the offence alleged in the notice shall not be competent but otherwise such a proceeding may be commenced as if the notice had not been given.

[Section 14 inserted by No. 50 of 1978 s. 10.]

15. Arrangements for staff before dissolution of Boards that are bodies corporate

- (1) In this section —
staff member, in relation to a particular Board, means a person appointed under section 7(1) by that Board.
- (2) A Board cannot be dissolved under section 3(7) unless —
- (a) the Minister, after consultation with the Public Sector Commissioner, has nominated a person or other body in the Public Sector to be the employer of the Board's staff members on the dissolution of the Board, and the employment of each staff member who has agreed to being employed by that person or body has been arranged with that person or body; or
 - (b) each staff member whose re-employment is not arranged under paragraph (a) is covered by the provisions applicable under Part 6 of the *Public Sector Management Act 1994*.
- (3) Except as otherwise agreed by a staff member of a Board, the remuneration, existing or accrued rights, rights under a superannuation scheme or continuity of service of the staff member are not affected, prejudiced or interrupted by —
- (a) a change in employment arranged under subsection (2)(a); or

- (b) the dissolution of the Board.

[Section 15 inserted by No. 76 of 2003 s. 16; amended by No. 39 of 2010 s. 89.]

16. Regulations as to matters consequent on dissolution of Boards that are bodies corporate

- (1) The Governor, with the approval of the Treasurer, may make regulations prescribing all matters that are required, necessary or convenient to be prescribed in relation to anything to be done, or that occurs, because of the dissolution of a Board.
- (2) Without limiting subsection (1), regulations may be made in relation to all or any of the following matters —
- (a) the disposition of, or dealing with, the property of a Board, on the Board's dissolution;
 - (b) the transfer or discharge of a Board's rights and liabilities, on the Board's dissolution;
 - (c) the continuation of proceedings or remedies by or against a Board that were pending immediately before the Board's dissolution;
 - (d) the commencement of proceedings or remedies that could have been taken by or against a Board if the Board had not been dissolved;
 - (e) the continuation of the effect of any agreement, instrument or policy of insurance to which the Board was a party immediately before the Board's dissolution;
 - (f) the interpretation of references in a written law or a document referred to in paragraph (e) to a Board that has been dissolved;
 - (g) any act, matter or thing done or omitted to be done by a Board in relation to its rights and liabilities before its dissolution;

- (h) taking possession of books, documents or other records, however compiled or stored, relating to the operations of a Board, on the Board's dissolution;
 - (i) the making and submission of any outstanding annual report and a final report relating to the operations of a Board before its dissolution, and the documents and reports to accompany those reports and for that purpose, to provide, despite the dissolution of the Board —
 - (i) for the continuation of the Board, constituted by a person specified in the regulations on the terms specified in the regulations, with the powers necessary or convenient for the purposes of making and submitting the reports; and
 - (ii) for the continued application of section 12 to the Board until the reports and accompanying documents and reports are tabled in Parliament.
- (3) Different provisions of regulations under this section may come into operation on different days.
- (4) In this section —

dissolution means dissolution under section 3(7);

liabilities includes duties and obligations;

rights includes powers, privileges and immunities.

[Section 16 inserted by No. 76 of 2003 s. 16.]

17. Exemption from State taxation in relation to dissolution of Boards that are bodies corporate

- (1) In this section —
- State tax** includes duty chargeable under the *Duties Act 2008* and any other tax, duty, fee, levy or charge under a law of the State.
- (2) State tax is not payable in relation to —

- (a) anything that occurs because of the dissolution of a Board under section 3(7); or
 - (b) anything done (including a transaction entered into or an instrument or document of any kind made, executed, lodged or given) under regulations made under section 16, or for a purpose connected with or arising out of the dissolution of a Board under section 3(7).
- (3) The Treasurer or a person authorised by the Treasurer may certify in writing that —
- (a) a specified thing occurred because of the dissolution of a Board under section 3(7); or
 - (b) a specified thing was done under regulations made under section 16, or for a purpose connected with or arising out of the dissolution of a Board under section 3(7),

and such a certificate is conclusive evidence of that fact, unless the contrary is shown.

[Section 17 inserted by No. 76 of 2003 s. 16; amended by No. 12 of 2008 Sch. 1 cl. 26.]

Schedule — Form of certificate of authority

[s. 7B]

[Heading amended by No. 19 of 2010 s. 4.]

CERTIFICATE OF AUTHORITY

This is to certify that.....

.....is an

AUTHORISED PERSON

for the purposes of the

PARKS AND RESERVES ACT 1895 (AS AMENDED)

and has legal authority to exercise the powers conferred on the holder of such office.

Issued by the.....Board this
(Name of Board)

.....day of.....20.....

Signed.....
For and on behalf of the Board.

.....
(Signature of holder)

[Schedule inserted by No. 50 of 1978 s. 11.]

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Notes

¹ This is a compilation of the *Parks and Reserves Act 1895* and includes the amendments made by the other written laws referred to in the following table ^{1a}. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>The Parks and Reserves Act 1895</i> ⁴	30 of 1895 (59 Vict. No. 30)	12 Oct 1895	12 Oct 1895
<i>The Parks and Reserves Act Amendment Act 1947</i>	60 of 1947 (11 and 12 Geo. VI No. 60)	10 Jan 1948	10 Jan 1948
<i>Parks and Reserves Act Amendment Act 1954</i>	59 of 1954 (3 Eliz. II No. 59)	30 Dec 1954	30 Dec 1954
<i>Parks and Reserves Act Amendment Act 1955</i>	17 of 1955 (4 Eliz. II No. 17)	1 Nov 1955	1 Nov 1955
Reprint of the <i>Parks and Reserves Act 1895</i> approved 30 Jun 1960 in Volume 15 of Reprinted Acts (includes amendments listed above)			
<i>Parks and Reserves Act Amendment Act 1963</i>	40 of 1963 (12 Eliz. II No. 40)	25 Nov 1963	25 Nov 1963
<i>Parks and Reserves Act Amendment Act 1972</i>	4 of 1972	8 May 1972	8 May 1972
<i>Parks and Reserves Act Amendment Act 1978</i>	50 of 1978	6 Sep 1978	6 Sep 1978
Reprint of the <i>Parks and Reserves Act 1895</i> approved 31 Jan 1979 (includes amendments listed above)			
<i>Acts Amendment (Reserves) Act 1982 Pt. III (s. 15-17)</i>	77 of 1982	8 Nov 1982	Act other than s. 16: 8 Nov 1982 (see s. 2(1)); s. 16: 6 Dec 1982 (see s. 2(2))
<i>Parks and Reserves Amendment Act 1983</i> ⁵	22 of 1983	22 Nov 1983	20 Dec 1983 (see s. 2)
<i>Parks and Reserves Amendment Act 1985</i>	8 of 1985	25 Mar 1985	22 Apr 1985

Parks and Reserves Act 1895

Short title	Number and year	Assent	Commencement
<i>Acts Amendment (Financial Administration and Audit) Act 1985 s. 3</i>	98 of 1985	4 Dec 1985	1 Jul 1986 (see s. 2 and <i>Gazette</i> 30 Jun 1986 p. 2255)
<i>Rottnest Island Authority Act 1987 s. 51</i>	91 of 1987	9 Dec 1987	30 May 1988 (see s. 2 and <i>Gazette</i> 30 May 1988 p. 1823)
<i>Acts Amendment (Public Service) Act 1987 s. 32</i>	113 of 1987	31 Dec 1987	16 Mar 1988 (see s. 2 and <i>Gazette</i> 16 Mar 1988 p. 813)
<i>Parks and Reserves Amendment Act 1990</i>	1 of 1990	14 Jun 1990	14 Jun 1990 (see s. 2)
<i>Statutes (Repeals and Minor Amendments) Act 1994 s. 4</i>	73 of 1994	9 Dec 1994	9 Dec 1994 (see s. 2)
<i>Land, Parks and Reserves Amendment Act 1995 Pt. 3</i>	5 of 1995	24 May 1995	5 Aug 1995 (see s. 2 and <i>Gazette</i> 4 Aug 1995 p. 3309)
<i>Sentencing (Consequential Provisions) Act 1995 Pt. 59</i>	78 of 1995	16 Jan 1996	4 Nov 1996 (see s. 2 and <i>Gazette</i> 25 Oct 1996 p. 5632)
<i>Acts Amendment (Land Administration) Act 1997 Pt. 48</i>	31 of 1997	3 Oct 1997	30 Mar 1998 (see s. 2 and <i>Gazette</i> 27 Mar 1998 p. 1765)
<i>Botanic Gardens and Parks Authority Act 1998 s. 56</i>	53 of 1998	7 Dec 1998	1 Jul 1999 (see s. 2 and <i>Gazette</i> 30 Jun 1999 p. 2879)
Reprint of the Parks and Reserves Act 1895 as at 5 Mar 1999 (includes amendments listed above except those in the <i>Botanic Gardens and Parks Authority Act 1998</i>)			
<i>Criminal Investigation (Identifying People) Act 2002 Sch. 2 cl. 4</i>	6 of 2002	4 Jun 2002	29 Jun 2002 (see s. 2 and <i>Gazette</i> 28 Jun 2002 p. 3037)
<i>Statutes (Repeals and Minor Amendments) Act 2003 s. 90</i>	74 of 2003	15 Dec 2003	15 Dec 2003 (see s. 2)
<i>Acts Amendment (Reserves and Reserve Boards) Act 2003 Pt. 3</i>	76 of 2003	15 Dec 2003	15 Dec 2003 (see s. 2)
<i>Children and Community Services Act 2004 Sch. 2 cl. 19</i>	34 of 2004	20 Oct 2004	1 Mar 2006 (see s. 2 and <i>Gazette</i> 14 Feb 2006 p. 695)
<i>Courts Legislation Amendment and Repeal Act 2004 s. 141</i>	59 of 2004	23 Nov 2004	1 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7128)

Short title	Number and year	Assent	Commencement
Reprint 4: The Parks and Reserves Act 1895 as at 6 Jan 2006 (includes amendments listed above except those in the <i>Children and Community Services Act 2004</i>)			
<i>Financial Legislation Amendment and Repeal Act 2006</i> Sch. 1 cl. 117	77 of 2006	21 Dec 2006	1 Feb 2007 (see s. 2(1) and <i>Gazette</i> 19 Jan 2007 p. 137)
<i>Duties Legislation Amendment Act 2008</i> Sch. 1 cl. 26	12 of 2008	14 Apr 2008	1 Jul 2008 (see s. 2(d))
<i>Statutes (Repeals and Miscellaneous Amendments) Act 2009</i> s. 98	8 of 2009	21 May 2009	22 May 2009 (see s. 2(b))
<i>Standardisation of Formatting Act 2010</i> s. 4 and 51	19 of 2010	28 Jun 2010	11 Sep 2010 (see s. 2(b) and <i>Gazette</i> 10 Sep 2010 p. 4341)
<i>Public Sector Reform Act 2010</i> s. 89	39 of 2010	1 Oct 2010	1 Dec 2010 (see s. 2(b) and <i>Gazette</i> 5 Nov 2010 p. 5563)
Reprint 5: The Parks and Reserves Act 1895 as at 1 Jul 2011 (includes amendments listed above)			

^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Short title	Number and year	Assent	Commencement
<i>Road Traffic Legislation Amendment Act 2012</i> Pt. 4 Div. 38 ⁶	8 of 2012	21 May 2012	Operative on commencement of the <i>Road Traffic (Administration) Act 2008</i> (see s. 2(d))

² Under the *Land Administration Act 1997* s. 281(3) a reference in a written law to the *Land Act 1933* is, unless the contrary intention appears, to be construed as if that reference were a reference to the *Land Administration Act 1997*.

³ Under the *Public Sector Management Act 1994* s. 112(1), a reference to the *Public Service Act 1978* is to be read as a reference to the *Public Sector Management Act 1994*. The reference was changed under the *Reprints Act 1984* s. 7(3)(g).

- ⁴ Now known as the *Parks and Reserves Act 1895*; short title changed (see note under s. 1).
- ⁵ The *Parks and Reserves Amendment Act 1983* s. 4(2) is a transitional provision that is of no further effect.
- ⁶ On the date as at which this compilation was prepared, the *Road Traffic Legislation Amendment Act 2012* Pt. 4 Div. 38 had not come into operation. It reads as follows:

Division 38 — *Parks and Reserves Act 1895* amended

152. Act amended

This Division amends the *Parks and Reserves Act 1895*.

153. Section 2 amended

- (1) In section 2 in the definition of **owner** delete “who is the holder of the requisite vehicle licence or permit under the *Road Traffic Act 1974* in respect of that vehicle, or, if the vehicle is not the subject of a licence or permit under that Act,” and insert:

to whom a licence or permit in respect of the vehicle has been granted under the *Road Traffic (Vehicles) Act 2012*, or if there is not such a person,

- (2) In section 2 in the definition of **vehicle** delete “that comes within the interpretation of that term in the *Road Traffic Act 1974*.” and insert:

as defined in the *Road Traffic (Administration) Act 2008* section 4.

154. Section 7A amended

In section 7A(2) delete “*Road Traffic Act 1974*” and insert:

Road Traffic (Vehicles) Act 2012

155. Section 7C amended

In section 7C(1) delete “section 98A(2) of the *Road Traffic Act 1974*.” and insert:

the *Road Traffic (Administration) Act 2008* section 117(2).

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
authorised person	2
Board	2
child	12A(2)
dissolution.....	16(4)
function	2
liabilities	16(4)
owner	2
parent	12A(2)
rights	16(4)
speed measuring equipment.....	7C(1)
staff member	15(1)
State tax	17(1)
Treasurer.....	2
vehicle.....	2