



Australian Capital Territory

Public Parks Act 1928

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About this republication

The republished law

This is a republication of the *Public Parks Act 1928* effective 1 December 1989 to 1 April 1992.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
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The status of this republication appears on the bottom of each page.



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PUBLIC PARKS ACT 1928

Reprinted as at 30 June 1991

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Australian Capital Territory

PUBLIC PARKS ACT 1928

An Act to provide for the Regulation and Protection of Public Parks and Recreation Reserves and for other Purposes

Short title

1. This Act may be cited as the *Public Parks Act 1928*.¹

Repeal

2. The *Parks and Gardens Ordinance 1918* and the *Recreation Land Leases Ordinance 1923* are repealed.

Interpretation

3. In this Act, unless the contrary intention appears—
 - “Public Park” means any land declared in pursuance of this Ordinance to be a public park or recreation reserve;
 - “Ranger” means a ranger appointed under this Act;
 - “the Association” means the body known as “The Australian Capital Territory Pastoral and Agricultural Association”;
 - “the Hall Recreation Reserve” means the land described in the Schedule to this Act.

Declaration of public parks

4. The Minister may, by notice published in the *Gazette*,² declare any unleased land belonging to the Commonwealth to be a public park or recreation reserve.

Rangers

5. The Minister may appoint such rangers as he thinks necessary for the purposes of this Act.

Trustees of public parks

6. (1) The Minister may appoint persons to be trustees of any public park, and may remove any trustee from office.

(2) Any such trustees appointed and their successors shall be a body corporate.

(3) All bodies corporate constituted in pursuance of this section shall, under their respective corporate names, as determined by the Minister, have perpetual succession and a common seal, and may acquire, hold and dispose of real and personal property, and shall be capable of suing and being sued.

Vacancies among trustees

7. If any trustee appointed under this Ordinance dies or resigns or is removed from office, the Minister may appoint a new trustee in his place.

Vesting of lands in trustees

8. The Minister may, by order published in the *Gazette*, vest in any body corporate constituted under this Ordinance in respect of any public park, any estate of leasehold in the lands comprised in that park.

Persons reasonably suspected of breach of regulations to give name and address

9. (1) A member of the Police Force or a ranger may require any person reasonably suspected of having committed, or of being about to commit, a breach of this Act or the regulations thereunder, to give his name in full and place of abode.

(2) Any person who, after being so required, refuses or fails to give his real name or place of abode shall be guilty of an offence.

Penalty: Twenty dollars.

Determination of leases

10. (1) All leases of land granted under the *Recreation Land Leases Ordinance 1923* are determined.

(2) Notwithstanding anything contained in any such lease, all improvements existing on the land the subject of the lease and made thereto by the persons to whom the lease was granted (in this section referred to as “the lessees”) and all moneys received in respect of the land and unexpended by the lessees shall be vested in the Territory, and shall be recoverable by the Territory from the lessees in the Magistrates Court.

(3) The lessees of any land, the lease of which is determined by this section, shall, when and as required to do so by the Minister furnish to him—

- (a) accounts of all moneys received and expended by them in respect of the land; and
- (b) all books, papers and documents in relation to the lease which are in their possession or control.

Penalty: Forty dollars.

(4) The determination of any lease by this section shall not relieve the lessees of any liability incurred by them under the lease prior to its determination.

(5) Any right granted by the lessees to any person in pursuance of any lease determined by this section shall continue to be exercisable by that person and in respect of the exercise of the right the Territory shall be substituted for the lessees.

Removal of Trustees of certain land etc.

11. (1) The land described in the First Schedule to this Act which by notice published in the New South Wales Government *Gazette* Number 121 of the 20th March, 1882, was, in pursuance of the fourth section of the *Crown Lands Alienation Act* of 1861 of the State of New South Wales, reserved from sale for public recreation, shall cease to be subject to the provisions of the *Public Trusts Act* 1897, and the *Public Parks Act* 1902, of the State of New South Wales.

(2) The trustees of the land referred to in the last preceding subsection appointed under the *Public Trusts Act*, 1897, or the *Public Parks Act*, 1902, of the State of New South Wales and holding office at the commencement of this Act shall cease to hold office as such trustees.

Buildings on Hall Recreation Reserve to be property of the Association

11A. (1) Notwithstanding anything contained in this Ordinance, all buildings erected by the Association on the Hall Recreation Reserve shall be the property of the Association.

(2) The Association shall keep all such buildings in good and tenable repair and shall not, without the consent in writing of the Minister, erect or remove any such building or make any structural alteration thereto.

(3) The Minister or any person authorized in that behalf by the Minister may, by notice in writing to the Secretary of the Association specifying the repairs necessary to any such building, require the Association to effect such repairs and, upon non-compliance with any such requirement within three calendar months after the date of the notice, the buildings erected by the Association on the Hall Recreation Reserve shall cease to be the property of the Association and shall vest in the trustees of the Reserve.

Removal of Trustees of recreation reserve at Williamsdale etc.

11B. (1) The land described in the Second Schedule to this Act which, by notice dated the 17th September, 1904, and published in the *New South Wales Government Gazette* dated the seventeenth day of September, 1904, was, in pursuance of section 101 of the Crown Lands Act, 1884 and section 39 of the Crown Lands Act, 1889 of the State of New South Wales, reserved from sale pending determination of the portions to be set apart for public recreation shall cease to be subject to any Act relating to the Crown Lands, the Public Trusts Act, 1897 and the Public Parks Act, 1902 of the State of New South Wales, and any dedication or reservation of the land is revoked.

(2) The trustees of the land referred to in the last preceding subsection appointed under any law of the State of New South Wales and holding office at the commencement of this section shall cease to hold office as such trustees and shall be divested of all estate and interest in the land.

Regulations

12. The Executive may make regulations, not inconsistent with this Act, prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for giving effect to this Act, and in particular for providing for and in relation to—

- (a) the protection of public parks;
- (b) the regulation of the use and enjoyment of public parks;

- (c) the admission of, and the charges for the admission of, the public to, and the conduct of the public in, public parks;
- (d) the powers and duties of the trustees of any public park, and the regulation of their meetings and the conduct of business thereat;
- (e) the powers which may be exercised by any ranger or other person in respect of any public park;
- (f) the imposition of penalties, not exceeding One hundred dollars or imprisonment for three months, for breaches of the regulations.

THE SCHEDULES

THE FIRST SCHEDULE

Section 11 (1)

County of Murray, Parish of Ginninderra, Village of Ginninderra, area about 4.148 hectares; The Crown lands within the following boundaries: Commencing at the intersection of the right bank of Hall's Creek with the south-west side of Hall Street; and bounded thence on the north-east of that side of that street bearing north-westerly to the south-east side of Gladstone Street; thence by that side of Gladstone Street bearing south-westerly to the north-east side of Victoria Street; thence by that side and a western side of that street bearing south-easterly and southerly to Hall's Creek aforesaid; and thence by that creek upwards to the point of commencement.

THE SECOND SCHEDULE

Section 11B

County of Murray, Parish of Burra, containing an area of 4.35 hectares. The Crown Lands within the following boundaries: Commencing at a point 261.52 metres south from the south-east corner of portion 39; and bounded thence by a line west to the right bank of Lobbs Hole Creek; by that creek upwards to the western side of the road from Queanbeyan to Cooma; by that side of that road northerly to a point east from the point of commencement; and thence a line west to that point.

NOTE

1. The *Public Parks Act 1928* as shown in this reprint comprises Act No. 23, 1928 amended as indicated in the Tables below.

Citation of Laws—The *Self-Government (Citation of Laws) Act 1989* (No. 21, 1989) altered the citation of most Ordinances so that after Self-Government day they are to be cited as Acts. That Act also affects references in ACT laws to Commonwealth Acts.

Table 1

Table of Ordinances

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Public Parks Ordinance 1928</i>	23, 1928	13 Dec 1928	13 Dec 1928	
<i>Seat of Government (Administration) Ordinance 1930</i>	5, 1930	1 May 1930	1 May 1930	—
<i>Ordinances Revision Ordinance 1937</i>	27, 1937	23 Dec 1937	23 Dec 1937	—
<i>Public Parks Ordinance 1939</i>	11, 1939	12 Oct 1939	12 Oct 1939	—
<i>Public Parks Ordinance 1942</i>	4, 1942	29 Jan 1942	29 Jan 1942	—
<i>Ordinances Revision (Decimal Currency) Ordinance 1966</i>	19, 1966	23 Dec 1966	23 Dec 1966	—
<i>Ordinances Revision (Metric Conversion) Ordinance 1977</i>	64, 1977	22 Dec 1977	22 Dec 1977	—
<i>Ordinances Revision Ordinance 1978</i>	46, 1978	28 Dec 1978	28 Dec 1978	—
<i>Magistrates Court Ordinance 1985</i>	67, 1985	19 Dec 1985	1 Feb 1986 (see <i>Gazette</i> 1986, No. G3, p. 265)	—
<i>Self-Government (Consequential Amendments) Ordinance 1989</i>	38, 1989	10 May 1989	Ss. 1 and 2: 10 May 1989 Remainder: 11 May 1989 (see s. 2 (2) and <i>Gazette</i> 1989, No. S164)	—

Self-Government day 11 May 1989

NOTE—continuedTable 2
Table of Acts

Act	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Acts Revision (Arrest Without Warrant) Act 1989</i>	23, 1989	1 Dec 1989	1 Dec 1989	—

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision	How affected
S. 3	am. No. 5, 1930; No. 11, 1939
S. 4	am. No. 27, 1937
S. 5	am. No. 27, 1937
Ss. 6-8	am. No. 27, 1937
S. 9	am. No. 19, 1966; Act No. 23, 1989
S. 10	am. No. 27, 1937; No. 19, 1966; No. 67, 1985; No. 38, 1989
S. 11	am. No. 4, 1942
S. 11A.....	ad. No. 11, 1939
S. 11B.....	ad. No. 4, 1942
S. 12	am. No. 27, 1937; No. 19, 1966; No. 38, 1989
Heading to The Schedule ..	rep. No. 4, 1942
Heading to The Schedules ..	ad. No. 4, 1942
Heading to the First Schedule	ad. No. 4, 1942
The First Schedule.....	am. No. 64, 1977
The Second Schedule	ad. No. 4, 1942 am. No. 64, 1977; No. 46, 1978