

Queensland



RECREATION AREAS MANAGEMENT ACT 1988

**Reprinted as in force on 27 March 2002
(includes amendments up to Act No. 102 of 2001)**

Warning—see last endnote for uncommenced amendments

Reprint No. 2 revised edition

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Information about this reprint

This Act is reprinted as at 27 March 2002. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- correct spelling and use different spelling consistent with current drafting practice (s 26(2))
- reorder definitions consistent with current drafting practice (s 30)
- use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **provisions that have not commenced and are not incorporated in the reprint**
- **editorial changes made in earlier reprints.**

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.

Revised edition indicates further material has affected existing material. For example—

- a correction
- a retrospective provision
- other relevant information.

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RECREATION AREAS MANAGEMENT ACT 1988

[as amended by all amendments that commenced on or before 27 March 2002]

An Act to provide for the setting apart of land and waters throughout Queensland as, and for management of recreational activities in, recreation areas, and for related purposes

PART 1—PRELIMINARY

1 Short title

This Act may be cited as the *Recreation Areas Management Act 1988*.

3 Objectives of Act

The objectives of this Act are to provide for the establishment of a system of recreation areas throughout Queensland and in relation to those recreation areas—

- (a) to provide, coordinate, integrate and improve recreational planning, recreational facilities and recreational management on recreation areas taking into account their conservation, recreation, education and production values and the interests of the proprietors;
- (b) to provide for joint management of any recreation area where necessary or desirable without derogating from the rights, duties, powers and responsibilities of—
 - (i) the chief executive of the department that deals with matters arising under the *Nature Conservation Act 1992*; or
 - (ii) the chief executive of the department responsible for the administration of the *Forestry Act 1959*; or
 - (iii) any other proprietor in relation to a recreation area;

- (c) to provide for the collection of funds from the users or intending users of the recreational facilities and services provided within recreation areas.

5 Interpretation

In this Act—

“air cushion vehicle” means a vehicle which is designed to be supported, when in motion wholly or partly by air expelled from the vehicle to form a cushion between the undersurface of the vehicle and the water, land or other surface over which the vehicle is poised or moving.

“authorised officer” means an authorised officer appointed under section 22.

“authority” means the Queensland Recreation Areas Management Authority established under this Act.

“board” means the Queensland Recreation Areas Management Board constituted under this Act.

“coastal waters of Queensland” means—

- (a) the part or parts of the territorial sea of Australia or the territorial sea adjacent to any island forming part of Queensland that is or are within the area defined in the *Petroleum (Submerged Lands) Act 1982*, schedule 3; and
- (b) sea that is on the landward side of any part of the territorial sea referred to in paragraph (a) and is within the area referred to in that paragraph but is not within the limits of the State.

“commercial activity” includes selling, offering or exposing for sale any article, plying for hire any goods or services, photography for commercial purposes, the conduct of a tour and the conduct for payment or other consideration of any activity utilising the recreation, education, conservation, commercial and production values of a recreation area.

“commercial tour operator” means a person who, in return for payment of moneys or for any other reward or consideration, conducts or causes to be conducted or who holds himself or herself out as available to conduct any member of the public on a tour.

“Crown land” means all land in Queensland, except land that is, for the time being—

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- (a) lawfully granted or contracted to be granted in fee simple by the Crown; or
- (b) reserved for or dedicated to public purposes; or
- (c) subject to any lease or licence lawfully granted by the Crown;
 - however, land held under an occupation licence (other than an occupation licence granted in priority to a former lessee in respect of an expired pastoral lease) and land held under an occupation licence granted over a timber reserve set apart and declared under the *Forestry Act 1959* shall in this Act be deemed to be Crown land; or
- (d) set apart and declared as a State forest, timber reserve, marine park, wetland reserve or fish habitat reserve; or
- (da) dedicated under the *Nature Conservation Act 1992* as—
 - (i) a national park (scientific); or
 - (ii) a national park; or
 - (iii) a national park (Aboriginal land); or
 - (iv) a national park (Torres Strait Islander land); or
 - (v) a national park (recovery); or
 - (vi) a conservation park; or
- (e) granted, reserved, set apart and declared or held in the manner prescribed.

“fee” includes tax.

“fund” means the Queensland Recreation Areas Management Board Fund established under this Act.

“interfere with”, used in relation to any land resources or marine resources, includes destroy, obtain, damage, mark, move, use or in any way interfere with.

“land resources” means all vegetable growth and material of vegetable origin and animals, or any part thereof, other than marine resources, and includes—

- (a) any nest, bower, shelter or structure of any such animal; and
- (b) fossil remains other than such remains that are marine resources; and

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- (c) Aboriginal remains, artefacts or handicrafts of Aboriginal origin or traces thereof other than such remains that are marine resources; and
- (d) wrecks, relics or traces thereof that are not marine resources; and
- (e) artefacts, objects and evidence of European exploration or settlement and activities that are of a kind prescribed as having archaeological, historical, scientific or sociological significance or value; and
- (f) quarry materials.

“marine resources” means all vegetable growth and material of vegetable origin and animals, or any part thereof, within or removed from Queensland waters or within or from tidal waters that are within the limits of Queensland and includes oysters, pearl oysters, trochus, green snails, coral, limestone, shell-grit and star sand, and includes—

- (a) Aboriginal remains, artefacts or handicraft of Aboriginal origin or traces thereof, within or removed from those waters; and
- (b) wrecks, relics or traces thereof within or removed from those waters; and
- (c) artefacts, objects and other evidence of European exploration or settlement of this State and activities that are of a kind prescribed as having archaeological, historical, scientific or sociological significance or value, within or removed from those waters; and
- (d) all material comprising tidal land within a recreation area.

“permit” means a permit granted under this Act and in force at the material time and, with reference to any particular provision of this Act, a permit of the description appropriate according to that provision.

“place” includes any house, office, room, tent, building, erection, structure, premises (whether upon land or water), ship, vessel, vehicle, and any road, street, thoroughfare, alley, right of way (whether public or private), and any land, whether public or private and whether enclosed or otherwise, and includes any part of any place.

“proprietor”—

- (a) in relation to land—

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- (i) that is Crown land—means the Minister who for the time being is charged with the administration of the *Land Act 1994*;
- (ii) that pursuant to an Act is under the control of any person or of a department—means that person or, as the case may be, the Minister who administers that department;
- (iii) reserved and set apart for a public purpose under the *Land Act 1962* means—
 - (A) where the land is placed under the control of trustees—those trustees;
 - (B) in any other case—the Minister who administers that lastmentioned Act;
- (iv) granted by the Crown in trust to a local government or alienated by the Crown in fee simple and held by a local government—that local government;
- (v) to which subparagraphs (i) to (iv) do not apply—means the holder of an estate in fee simple in respect of that land;
- (b) in relation to waters—
 - (i) that pursuant to an Act are under the control of any person or of a department—means that person or, as the case may be, the Minister who administers that department;
 - (ii) that are vested in or under the control of the Crown and to which subparagraph (i) does not apply—means—
 - (A) in the case of tidal waters—the Minister for the time being charged with the administration of the *Canals Act 1958*;
 - (B) in the case of waters other than tidal waters—the Minister for the time being charged with the administration of the *Water Resources Act 1989*.

“quarry material” includes guano and any of the following materials, not being a mineral within the application of the *Mineral Resources Act 1989*, namely stone, gravel, sand, rock, clay, earth and soil.

“Queensland waters” means all waters—

- (a) that are within the limits of Queensland; or
- (b) that are coastal waters of Queensland.

“recreational activity” means an activity that utilises the recreation values or facilities of a recreation area.

“recreation area” means an area of land and waters set apart and declared to be a recreation area under section 9 and includes an area deemed to be a recreation area under this Act.

“tidal land” means land that is submerged at any time by tidal waters.

“tidal waters” means Queensland waters that are within the ebb and flow of the tide at spring tides.

“tour” includes any safari, excursion, visit, outing or journey.

“vehicle” includes any air cushion vehicle, aircraft, articulated vehicle, barrow, cab, car, carriage, cart, dray, hand cart, lorry, motor vehicle, multiwheeled vehicle, omnibus, tractor or traction engine, train, tram, trolley vehicle, truck, van, velocipede, wagon, or other means of transport or conveyance whatsoever designed for movement over land, whether or not such vehicle is or is not for the time being capable of being operated or used in a normal manner.

“vessel” includes any boat, ship, and any other description of vessel used or designed for use for any purpose on the sea or in navigation, without limiting the generality of the foregoing, includes any air cushion vehicle, barge, canoe, dinghy, houseboat, hulk, lighter, pontoon, punt, raft, seaplane or like vessel.

“waters” means Queensland waters.

“weapon” means anything declared under a regulation to be a weapon for the purposes of this Act.

6 Application of laws etc.

(1) The provisions of this Act shall be read and construed with, and in addition to—

- (a) the *Forestry Act 1959*, the *Land Act 1994* and the *Nature Conservation Act 1992*; and
- (b) such other Act or Acts or any provision or provisions of any Act or Acts as are prescribed under a regulation;

and do not derogate from the Acts referred to in paragraph (a) or the Acts and provisions prescribed pursuant to paragraph (b), and nothing in this Act prejudices or otherwise affects the exercise and performance of the powers, authorities, functions, duties and jurisdiction conferred or imposed upon

any person by or the enforcement and recovery of any penalty, fee, fine or forfeiture enforceable or recoverable under any of the Acts or provisions referred to or prescribed pursuant to this section.

(2) Where the act or omission of a person is an offence against this Act and is also an offence against any of the Acts referred to or prescribed pursuant to subsection (1), a person may be prosecuted and convicted under either of those laws.

(3) Nothing in this Act shall render any person liable to be punished twice in respect of the same offence.

7 Effect of Motor Vehicles Control Act

On and from the date of commencement of section 1—

- (a) it shall not be competent to a local government to require payment of a fee for a permit under the *Motor Vehicles Control Act 1975*, section 35(2)(b) in respect of the use of a motor vehicle on land within a recreation area;
- (b) a recreation area shall not be a public place for the purposes of the *Motor Vehicles Control Act 1975*.

PART 2—RECREATION AREAS

8 Proposal for recreation area

(1) Upon the recommendation of the board, the authority may define an area of land and waters for declaration as a recreation area.

(2) As soon as practicable after an area has been defined under subsection (1), the board shall cause to be prepared a proposal for a recreation area to be declared in respect of the area so defined.

(2A) A proposal for a recreation area shall include a statement of intent prepared by the board outlining the goals intended to be achieved through management of that area and the broad policies that will be implemented to achieve those goals, and containing such other requirements as may be prescribed.

(3) In preparing a proposal the board—

- (a) shall seek and have regard to the views of the Minister administering any department whose interests are affected thereby; and
- (b) shall obtain the consent in writing, including any conditions of such consent, of all of the proprietors whose land and waters are within the area concerned and are to be included in the proposed recreation area; and
- (c) shall enter into an agreement with the proprietor of any freehold land proposed to be included in the recreation area.

(4) All land that is the subject of an agreement pursuant to subsection (3)(c) shall comprise the whole of the land contained in the relevant instrument of title.

9 Establishment of recreation areas

(1) Every proposal that a recreation area be declared, prepared by the board, shall be furnished to the authority, and the authority shall submit it to the Governor in Council together with its recommendations thereon.

(2) The Governor in Council may, under a regulation, set apart and declare the land and waters to which the proposal relates to be a recreation area.

10 Endorsements of instruments of title

(1) Where an agreement has been entered into pursuant to section 8(3)(c), the board shall, upon the area concerned being set apart and declared as the whole or part of a recreation area, produce to the registrar of titles a request to record particulars of the agreement, accompanied by an executed copy of the agreement.

(2) The registrar of titles shall cause to be made in the register all such entries as are necessary to record particulars of the agreement on the title to the land identified in the request.

(2A) Subsection (2) shall be given effect to notwithstanding that any copy of the relevant instrument of title is not produced for endorsement.

(3) Upon the recording of the particulars under subsection (2) the agreement shall, until it is duly cancelled, be binding upon every person who was, at the time the agreement is made or is at any time thereafter possessed of an estate or interest in the subject land and may be enforced

against such person as if the person were a party to the agreement, and for that purpose the person shall be deemed to be a party to the agreement having the same obligation thereunder as the person who under the agreement has the obligation that is sought to be enforced.

(4) An agreement recorded on a title under subsection (2) may be cancelled, and upon production to the registrar of titles of a request to record the cancellation of the agreement, signed by the person who is the holder of the estate of fee simple in the subject land and with the written consent of the board endorsed thereon, the registrar of titles shall cause to be made in the appropriate register maintained by the registrar of titles all such entries as are necessary to record the cancellation of the agreement.

(5) No fees are payable to the registrar of titles for a request under subsection (1) or (4).

11 Amalgamation, division and revocation of recreation areas

(1) The Governor in Council—

- (a) may, on the recommendation of the authority, by the regulation setting apart and declaring under this Act an area as a recreation area, amalgamate that area and any existing recreation area;
- (b) may, on the recommendation of the authority, by regulation—
 - (i) amalgamate recreation areas;
 - (ii) divide a recreation area into 2 or more recreation areas;
- (c) may, upon being notified by the authority either—
 - (i) that the proprietor of any area forming the whole or part of a recreation area has notified the board in writing that the proprietor no longer consents to the inclusion of the area in the recreation area concerned; and
 - (ii) that the board has notified that proprietor in writing that the area is no longer required for inclusion in the recreation area concerned; or
 - (iii) that, in the opinion of the authority any area forming the whole or part of a recreation area should be excluded from that area;

revoke wholly or in part the setting apart and declaration of a recreation area so far as it relates to the area concerned, and, by regulation.

12 Proprietors' rights and obligations

The rights and obligations had by the proprietor of land or waters forming part of a recreation area are not affected save to the extent of an agreement between the board and the proprietor.

PART 3—ADMINISTRATION

13 Authority

(1) For the purposes of this Act there is established an authority to be known as the Queensland Recreation Areas Management Authority.

(2) The authority consists of the Minister or Ministers for the time being charged with the administration of the *Forestry Act 1959* and the *Nature Conservation Act 1992* respectively.

(3) This Act shall be administered by the authority and, subject to the authority, by the board.

14 Constitution of the board

(1) There shall be constituted for the purposes of this Act, a board under the name and style Queensland Recreation Areas Management Board which by that name and style shall have perpetual succession and a common seal and shall be capable in law of suing and being sued in its corporate name and shall have power to acquire, hold, sell, exchange, hire, lease and let property other than land and, subject to this Act and for the purpose of discharging its functions under this Act of doing and suffering all such other acts and things as bodies corporate may in law do and suffer.

(2) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the board affixed to any document and shall presume unless the contrary is proved that it was duly affixed.

(3) The board shall have and may exercise such powers and authorities, and shall perform such functions and duties as are conferred or imposed on it by or under this Act.

(4) The common seal of the board shall be kept in such custody as the board directs and shall not be used except as authorised by the board.

15 Membership of board

The board shall consist of the following persons—

- (a) the chief executive of the department that deals with matters arising under the *Forestry Act 1959* or the chief executive's nominee;
- (b) the chief executive of the department that deals with matters arising under the *Nature Conservation Act 1992* or the chief executive's nominee.

16 Committees

The authority may appoint such advisory committees as it thinks fit to advise the board on such matters within the scope of its functions as are referred to those committees by the board.

17 Secretary

(1) The secretary of the board is to be employed under the *Public Service Act 1996*.

(2) The secretary's duties are to be decided by the board.

(3) All writs, processes and documents to be served on the board shall be so served by leaving the same or a copy thereof with the secretary.

(4) Any document or writing to be made or given by the board shall be sufficiently made or given if it is under the hand of the secretary.

PART 4—FUNCTIONS AND POWERS OF BOARD

18 Functions and powers of board

(1) The functions of the board are—

- (a) subject to the authority, to administer the provisions of this Act;
- (b) to provide, coordinate, integrate and improve recreational planning, recreational facilities and recreational management of recreation areas taking into account their conservation,

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recreation, education and production values and the interests of the proprietors;

- (c) to collect and recover moneys due or recoverable under this Act, and manage and expend moneys so collected for the purposes of this Act;
- (d) to provide and maintain buildings, improvements and other works for the purposes of this Act;
- (e) to accept any gift, devise or bequest of personal property, other than an interest in land, made to the board for the purposes of this Act;
- (f) notwithstanding the provisions of section 14, to accept, in the name of trustees appointed or confirmed for that purpose under subsection (2), any gift, devise or bequest of land or of any interest in land made to the board for the purposes of this Act: provided that any such gift, devise or bequest made to the board for a particular purpose or particular purposes of the board or subject to any trusts shall not be accepted by the board without the prior approval of the authority;
- (g) to accept any grant of money to the board.

(2) The Governor in Council may, by gazette notice, appoint or confirm the appointment of trustees for the purpose of subsection (1)(f) upon the trusts and with the powers, authorities, functions and duties contained in that notice.

(3) The acceptance by the board, or the acceptance by the board with the prior approval of the authority, as the case may be, of any such gift, devise or bequest shall be a complete discharge to the person paying, conveying or transferring the same and such lastmentioned person shall not be obliged or concerned to see to the application thereof.

(4) Without limiting the generality of subsection (1), the board has the following powers—

- (a) to provide for the issue of permits or other authorities—
 - (i) to persons desiring to gain access to and use public facilities on recreation areas;
 - (ii) to commercial tour operators desiring to conduct tour operations on recreation areas and to control those operations for the purposes of this Act;

and to set fees for the issue of those permits or other authorities;

- (b) to grant on such terms and conditions as it thinks fit any person the right or privilege to carry on any recreation-related activities in a recreation area including the right to operate a concession or franchise;
- (c) to undertake research and investigations into any matter in relation to the functions of the board;
- (d) to make and enter into any agreement or agreements with any person for the purposes of this Act;
- (e) to plan, establish, improve and maintain public recreation facilities for the purposes of this Act;
- (f) to publish or disseminate by any other means information for the purposes of this Act;
- (g) with the prior approval of the authority, to provide for the setting up of foundations for the support of prescribed institutions, for the purposes of this Act;
- (h) to close part or parts of a recreation area for recreational management or maintenance of the area;
- (i) to do anything incidental to the proper discharge of the functions of the board under this Act, or that is calculated to aid the proper discharge of any of those functions, or that it is empowered or required to do under this Act.

19 Delegation

The board may by instrument in writing under its common seal delegate its functions and powers specified in the instrument of delegation, except this power of delegation and the power to make by-laws, to any person or persons and may make such number of delegations of the same function or power concurrently as it thinks fit.

PART 5—MANAGEMENT PLANS

20 Management plan for recreation area

(1) The board shall, as soon as practicable, after a recreation area has been set apart and declared under this Act, cause to be prepared a management plan consisting of a comprehensive statement of specific recreational objectives for the planning, development and management of that recreation area.

(1A) The management plan shall take into account the objectives of the proprietors and also the values of that recreation area in respect of conservation, recreation, education and production.

(2) Prior to preparation of a management plan pursuant to subsection (1), the board shall invite public comment.

(3) The board shall, in the preparation of the management plan, have regard to the comments received by the board in accordance with subsection (2).

(4) Upon preparation of a preliminary management plan, the board shall, by advertisement published in at least 1 newspaper circulating in or in the vicinity of the recreation area concerned and in 1 major metropolitan newspaper in the State, give notice that the plan is available for public viewing and comment.

(5) The board shall, in the preparation of the final management plan, have regard to the submissions received by the board in accordance with subsection (4).

(6) Upon preparation of the final management plan, the board shall forward it to the authority, together with the board's report in relation to that plan.

(7) Upon receipt of the final management plan the authority, if in agreement with that plan, may cause the plan to be submitted to the Governor in Council, who may, by gazette notice, approve that plan.

(8) Upon publication of a gazette notice approving a final management plan the authority shall, as soon as practicable thereafter, ensure that the plan is reproduced and made available to the general public upon payment of such fee (if any) as the authority considers appropriate.

20A Amendment of management plan for recreation area

(1) The authority may, at any time following a recommendation by the board, recommend to the Governor in Council that a final management plan be amended.

(2) The Governor in Council upon receipt of such recommendation, may by gazette notice approve the amendment of the final management plan and from the date of publication of such order in council the amendment shall form part of the final management plan.

(3) Upon publication of a gazette notice approving the amendment of a final management plan the authority must, as soon as practicable thereafter, ensure that the amendment is reproduced and made available to the general public upon payment of such fee (if any) as the authority considers appropriate.

21 Review of management plan

(1) The board shall carry out a review of the operation of a management plan prepared under this part—

- (a) not later than 5 years from and after the day of the adoption of that management plan by the authority;
- (b) thereafter at intervals of not more than 5 years following the year in which the preceding review is completed.

(2) The board, in conducting a review in accordance with subsection (1), is to proceed as if the review were a management plan to be prepared in accordance with section 20.

PART 6—AUTHORISED OFFICERS**22 Authorised officers**

(1) The board may appoint any person described in the appointment to be an authorised officer for such period as the board specifies in the appointment.

(2) An authorised officer appointed under subsection (1) shall perform such functions and duties and may exercise such powers as are prescribed.

(3) For the purposes of this Act, the following persons shall ex officio and without further or other appointment be authorised officers—

- (a) all conservation officers within the meaning of the *Nature Conservation Act 1992*;
- (b) all forest officers appointed under the *Forestry Act 1959*;
- (c) all police officers;
- (d) all members of a prescribed class of persons.

23 General powers of authorised officers

(1) An authorised officer, in addition to such other powers and duties as from time to time devolve upon the authorised officer under this Act may—

- (b) be accompanied and aided by any person the authorised officer may think competent to assist him or her in making any inspection or examination for the purposes of this Act;
- (c) make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act have been or are being complied with by any person or in respect of a recreation area;
- (d) at any time, stop any vehicle or vessel that the authorised officer suspects on reasonable grounds to be used for the taking or conveyance of any land resources or marine resources, and search and examine that vehicle or vessel and all containers or other receptacles for any such land resources and marine resources, and for that purpose may require the owner or person in charge thereof to open any such vehicle, vessel, container or other receptacle and expose its contents to view;
- (e) require the production of any certificate of exemption or permit or other authority granted or agreement or contract made under and for the purposes of this Act or of any book, record or writing which is in the authorised officer's opinion material to any inquiry under paragraph (c) and inspect, examine, take possession of and take copies of or extracts from the same;
- (f) question, with respect to matters under this Act, the owner or occupier of any place, every person whom the authorised officer finds in any place, and every person who has been within the preceding 6 months employed in or on any place to ascertain

whether this Act has been or is being complied with, and require any such person to answer the questions put and to sign a declaration of the truth of the person's answers;

- (g) exercise such other powers, functions and authorities as may be prescribed.

(2) An authorised officer who—

- (a) finds any person committing or believes on reasonable grounds that any person has committed an offence against this Act; or
- (b) is making inquiries or investigations with a view to establishing whether or not an offence against this Act has been committed by any person; or
- (c) is of the opinion that the name, age and address of any person is required for the purpose of giving effect to any provision of this Act, or for the purpose of enabling the authorised officer to carry out his or her powers and duties under this Act;

may require such person to state the person's name, age and address, and, if the authorised officer believes on reasonable grounds that any information given in this regard is false, may require evidence of the correctness thereof.

PART 7—FINANCIAL PROVISIONS

24 Funds of the board

(1) The Queensland Recreation Areas Management Board Fund is continued in existence subject to the *Financial Administration and Audit Act 1977*, part 8, division 2.¹

(1A) Accounts for the fund must be kept as part of the departmental accounts of the department.

1 *Financial Administration and Audit Act 1977*, part 8 (Transitional provisions), division 2 (Transitional provisions for *Financial Administration Legislation Amendment Act 1999*)

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(1B) Amounts received for the fund must be deposited in a departmental financial-institution account of the department but may be deposited in an account used for depositing other amounts of the department.

(2) Amounts received for the funds include the following—

- (a) amounts paid to the department as part of the department's departmental vote under the *Financial Administration and Audit Act 1977* and made available by the department to the board for the fund;
- (b) all moneys received by the board by way of recoupment, contribution or donation for the purposes of the control of access and the recreational use by the public of a recreation area;
- (c) all moneys received by the board by way of rentals, camping charges, fees, penalties, sales, franchises or concessions in connection with its discharge of its functions under the Act or the enforcement of this Act or the by-laws of the board;
- (d) all other moneys received by the board in connection with its administration of recreation areas.

(3) There shall be paid from the fund provided for in subsection (1) all expenditure properly incurred by the board for the purposes of or in connection with the administration of this Act.

(4) In this section—

“departmental accounts”, of a department, means the accounts of the department under the *Financial Administration and Audit Act 1977*, section 12.

“departmental financial-institution account”, of a department, means an account of the department kept under the *Financial Administration and Audit Act 1977*, section 18.

“other amounts”, of a department, means amounts received by the department other than amounts received for the fund.

25 Application of Financial Administration and Audit Act 1977

The board is a statutory body under the *Financial Administration and Audit Act 1977*.

PART 8—PROHIBITIONS AND PERMITS IN RECREATION AREAS

26 Prohibition of commercial activity

A person shall not within a recreation area conduct, or cause to be conducted, or advertise or hold himself or herself out as available to conduct any commercial activity except under the authority of and in compliance in every respect with a current permit or other authority issued or given under this Act for those purposes in respect of that recreation area.

Maximum penalty—100 penalty units.

27 Power of board to grant permits

(1) The board, or any person duly authorised for that purpose by the board, may for the purposes of this Act grant a permit to a person under and for the purposes of this Act.

(2) An application for a permit under this section may be made to the board in the manner from time to time approved by the board and the applicant shall comply with all conditions as determined by the board.

(2A) The board shall consider each application and may grant or refuse it.

(2B) When an application is granted pursuant to this section the board shall cause a permit to be issued in respect thereof.

(3) A permit under this section—

- (a) shall be in such form as the board thinks appropriate;
- (b) shall contain such particulars as the board thinks appropriate;
- (c) shall authorise the holder to do such acts and things as are determined by the board;
- (d) shall be subject to such terms, conditions or restrictions as are determined by the board and to such further terms, conditions or restrictions as the board in a particular case thinks fit, inserted therein or endorsed thereon;
- (e) shall be subject to the payment of such fees or other charges (if any) and to such conditions as to the payment thereof as the board determines;

- (f) shall be in force for the period stated or endorsed on the permit;
- (g) may be suspended, surrendered, revoked, cancelled or amended by the board at any time.

(4) Where a permit granted under this section is surrendered, revoked, or cancelled it shall thereupon cease to be of any force or effect and shall be treated as if the period for which it was granted had expired.

(5) Subject to section 6, a permit granted under this section is—

- (a) for the purposes of the *Nature Conservation Act 1992*; and
- (b) for the purposes of the *Forestry Act 1959*; and
- (c) for the purpose of any other Act or provision prescribed under section 6(1)(b);

to be taken to be a permit lawfully granted under that Act or provision.

PART 9—RECOVERY OF PENALTIES BY NOTICES

28 Interpretation

In this part—

“**owner**” means, for a vehicle registered in a State under a law of the State providing for the registration of vehicles, the person in whose name the vehicle is so registered.

“**prescribed infringement**” means an offence defined in section 26, 34, 40(1)(g), (i) or (k) or 41(c) or an offence provided for in the by-laws or regulations.

“**statutory declaration**” means a declaration under and in accordance with the *Oaths Act 1867*.

29 Service and effect of infringement notice

(1) Where an authorised officer believes on reasonable grounds that a prescribed infringement has been committed, the authorised officer may serve or cause to be served an infringement notice in accordance with this part.

(2) An infringement notice may be served—

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- (a) where the prescribed infringement concerns a vehicle, vessel or animal and that vehicle, vessel or animal remains in the recreation area concerned—
 - (i) by serving the notice personally on any person who is driving, riding or appears to be in charge of the vehicle, vessel or animal; or
 - (ii) in the case of the vehicle—by securely placing or affixing the notice on the vehicle in a conspicuous position;
- (b) where the prescribed infringement concerns a vehicle and the owner of the vehicle has furnished a declaration in accordance with section 30(3)—
 - (i) by serving the notice personally or by post on the person whose name is specified in the declaration as that of the person in charge of the vehicle at the time of the prescribed infringement alleged; or
 - (ii) by leaving the notice at the place of residence or business of that person last known to the authorised officer with some person apparently over the age of 16 years and apparently an occupant of or employed at that place;
- (c) where the prescribed infringement concerns a vehicle and a declaration has been furnished in accordance with section 30(4)—
 - (i) by serving the notice personally or by post on the person whose name is specified in the declaration as that of the person to whom the vehicle has been sold before the time of the prescribed infringement alleged; or
 - (ii) by leaving the notice at the place of residence or business of that person last known to the authorised officer with some person apparently over the age of 16 years and apparently an occupant of or employed at that place;
- (d) in any other case—
 - (i) where the prescribed infringement concerns a vehicle, vessel or animal—by serving the notice personally on the person who appears to have committed that prescribed infringement or, in the case of a vehicle, by serving the notice personally or by post on the owner of the vehicle; or

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- (ii) where the prescribed infringement does not concern a vehicle—vessel or animal, by serving the notice personally or by post on the person who appears to have committed the prescribed infringement;

or in either case, where service by post is permissible, by leaving the notice at the place of residence or business of such owner or person last known to the authorised officer with some person apparently over the age of 16 years and apparently an occupant of or employed at that place.

(3) Where an infringement notice in relation to a prescribed infringement is to be served by post on a person it may be addressed to the person—

- (a) in the case of the owner of a vehicle registered under a law of a State providing for the registration of vehicles—at the latest address of the owner shown in the record of registration of the vehicle; or
- (b) in the case of a person whose name is specified in a declaration furnished in accordance with section 30(3) or (4)—at the person's address shown in the declaration; or
- (c) in any other case—at the place of residence or business of that person last known to the authorised officer.

(4) Where an infringement notice is served as provided in subsection (2)(a)(ii)—it shall be deemed to be served on the owner of the vehicle.

(5) An infringement notice shall be in a form as determined by the board and shall—

- (a) be identified by a serial number; and
- (b) subject to subsection (6), clearly show on its face the full name, or surname and initials, and address of the person on whom it is served; and
- (c) clearly specify the nature of the prescribed infringement alleged; and
- (d) where the prescribed infringement concerns a vehicle, vessel or animal, clearly specify the vehicle, vessel or animal; and
- (e) clearly specify the day, time and place of the commission of the prescribed infringement alleged; and

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- (f) contain a notification to the person on whom it is served that, if the person does not wish the matter to be dealt with by a court, the person may before the expiration of the period of 14 days after such service or within such further time as the board or an officer nominated by it in that behalf and specified therein, whether before or after the expiration of that period, allows, pay to the board the amount of the prescribed penalty specified in the notice; and
- (g) specify the place at which and the manner in which the prescribed penalty may be paid; and
- (h) where the prescribed infringement concerns a vehicle—inform the person on whom it is served in general terms of the provisions of section 30 (3), (4) and (6) to (9).

(6) An infringement notice that is served as provided in subsection (2)(a)(ii) may be addressed to ‘the owner’ of the vehicle without further description of the owner.

(7) Where an infringement notice has been served and before the expiration of the period of 14 days or within such further time as the board, or the officer nominated by it in that behalf, whether before or after the expiration of that period, allows, the amount of the prescribed penalty is paid in accordance with the notice—

- (a) any liability of a person in respect of the alleged prescribed infringement shall be deemed to be discharged;
- (b) no further proceedings shall be taken in respect of the alleged prescribed infringement.

(8) Nothing in this section prevents the service of more than 1 notice in respect of the same prescribed infringement, but it is sufficient for the application of subsection (7) to a person on whom more than 1 such notice has been served for the person to pay the prescribed penalty in accordance with any one of the notices so served on the person.

(9) Where the amount of the prescribed penalty is paid by cheque, payment shall be deemed not to be made unless and until the cheque is honoured upon presentation.

(10) Except as provided in subsection (7), nothing in this section in any way prejudices or affects the institution or prosecution of proceedings in respect of an alleged prescribed infringement or limits the amount of the penalty that may be imposed by a court in respect of a prescribed infringement.

(11) Nothing in this section shall be construed as requiring the serving of a notice under this section or as affecting the liability of a person to be prosecuted in a court in respect of an alleged prescribed infringement in relation to which a notice has not been served.

30 Liability for prescribed infringements and exculpation

(1) Except as provided in this section where—

- (a) a prescribed infringement that concerns a vehicle occurs; and
- (b) an infringement notice in relation to the infringement is served on the owner of the vehicle;

the owner of the vehicle at the time of the infringement shall be deemed to have committed the infringement notwithstanding that the actual offender may have been another person.

(2) Nothing in this section affects the liability of an actual offender other than the owner of the vehicle but—

- (a) the owner and the actual offender shall not both be liable for the same prescribed infringement; and
- (b) where a penalty has been imposed on a person in respect of a prescribed infringement—a further penalty shall not be imposed upon or recovered from another person in respect of the same prescribed infringement.

(3) The owner of a vehicle shall not, by virtue of this section, be deemed to have committed a prescribed infringement if, not later than 10 days after the service on the owner of a summons in respect of the prescribed infringement alleged, there is furnished to the board a statutory declaration made by the owner or, where the owner is a body corporate by a director, manager or secretary of the body corporate, stating—

- (a) in the case where the owner is a body corporate—
 - (i) that the declaration is made for the purposes of this section; and
 - (ii) that the vehicle was not being used for the purposes of the body corporate at the time of the prescribed infringement alleged; and
 - (iii) the name and address of the person who was in charge of the vehicle at that time; and

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- (b) in any other case—
 - (i) that the declaration is made for the purposes of this section; and
 - (ii) that the owner was not in charge of the vehicle at the time of the prescribed infringement alleged; and
 - (iii) the name and address of the person who was in charge of the vehicle at that time.

(4) The owner of a vehicle shall not, by virtue of this section, be deemed to have committed a prescribed infringement if, not later than 10 days after the service on the owner of a summons in respect of the prescribed infringement alleged, there is furnished to the board a statutory declaration made by the owner or, where the owner is a body corporate, by a director, manager or secretary of the body corporate, stating—

- (a) in the case where the owner is a body corporate—
 - (i) that the declaration is made for the purposes of this section; and
 - (ii) facts which establish that the body corporate had sold the vehicle before the time of the prescribed infringement alleged and which include the name of the person to whom the vehicle was so sold and the address at which such person may be readily located, the time of the sale, and the name and address of the agent (if any) who made the sale on behalf of the body corporate; and
- (b) in any other case—
 - (i) that the declaration is made for the purposes of this section; and
 - (ii) facts which establish that the owner had sold the vehicle before the time of the prescribed infringement alleged and which include the name of the person to whom the vehicle was so sold and the address at which such person may be readily located, the time of the sale, and the name and address of the agent (if any) who made the sale on the owner's behalf.

(5) Where a declaration has been furnished in accordance with subsection (4), the provisions of this section shall thereafter have effect as if the person named in the declaration as the person to whom a vehicle was sold were, as from the time of the sale, the person in whose name the

vehicle is registered under a law of a State providing for the registration of vehicles.

(6) The owner of a vehicle that an alleged prescribed infringement concerns may—

- (a) where an infringement notice has, otherwise than under section 29(2)(a)(ii), been served on the owner in relation to the prescribed infringement—not later than 10 days after the date of service of the notice; or
- (b) where an infringement notice has not, otherwise than under section 29(2)(a)(ii), been served on the owner in relation to the prescribed infringement—not later than 10 days after the date of service of a summons for the prescribed infringement;

furnish to the board a statutory declaration made by the owner or, where the owner is a body corporate, by a director, manager or secretary of the body corporate, stating—

- (c) in the case where the owner is a body corporate—
 - (i) that the declaration is made for the purposes of this section; and
 - (ii) that to the knowledge of the declarant, from the facts as set out in the declaration, the vehicle was not being used for the purposes of the body corporate at the time of the prescribed infringement alleged; and
 - (iii) that the declarant has not been able to ascertain who was in charge of the vehicle at that time; and
 - (iv) the nature of the inquiries made for the purposes of ascertaining the name and address of the person who was in charge of the vehicle at that time;
- (d) in any other case—
 - (i) that the declaration is made for the purposes of this section; and
 - (ii) that the owner was not in charge of the vehicle at the time of the prescribed infringement alleged; and
 - (iii) that the owner has not been able to ascertain who was in charge of the vehicle at that time; and

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- (iv) the nature of the inquiries made for the purpose of ascertaining the name and address of the person who was in charge of the vehicle at that time.

(7) The owner of a vehicle that an alleged prescribed infringement concerns may—

- (a) where an infringement notice has, otherwise than under section 29(2)(a)(ii), been served on the owner in relation to the prescribed infringement—not later than 10 days after the date of service of the notice; or
- (b) where an infringement notice has not, otherwise than under section 29(2)(a)(ii), been served on the owner in relation to the prescribed infringement—not later than 10 days after the date of service of a summons for the prescribed infringement;

furnish to the board a statutory declaration made by the owner or, where the owner is a body corporate, by a director, manager or secretary of the body corporate, stating—

- (c) that the declaration is made for the purposes of this section; and
- (d) facts which establish that the vehicle was at the time of the alleged prescribed infringement, stolen or illegally taken or used.

(8) At the hearing of a prosecution for a prescribed infringement against the owner of a vehicle who has furnished a declaration under subsection (6), the court shall dismiss the charge if it is satisfied (whether on the statements contained in the declaration or otherwise) that—

- (a) in the case where the owner is a body corporate—
 - (i) the vehicle was not being used for the purposes of the body corporate at the time of the prescribed infringement alleged; and
 - (ii) the inquiries made for the purpose of ascertaining the name and address of the person who was in charge of the vehicle at that time were reasonable in the circumstances of the case and were carried out with due diligence; and
- (b) in any other case—
 - (i) the owner was not in charge of the vehicle at the time of the prescribed infringement alleged; and
 - (ii) the inquiries made for the purpose of ascertaining the name and address of the person who was in charge of the vehicle

at that time were reasonable in the circumstances of the case and were carried out with due diligence.

(9) At the hearing of a prosecution for a prescribed infringement against the owner of a vehicle who has furnished a declaration under subsection (7), the court shall dismiss the charge if it is satisfied (whether on the statements contained in the declaration or otherwise) that the vehicle was, at the time of the alleged prescribed infringement, stolen or illegally taken or used.

31 Facilitation of proof

(1) At the hearing of a prosecution for a prescribed infringement in relation to which an infringement notice has been served under section 29, a certificate purporting to be signed by the board or an officer nominated by it in that behalf and stating—

(a) that—

- (i) the board or that nominated officer did not allow further time, for the purpose of section 29(7), for the payment of the prescribed penalty in respect of the prescribed infringement; and
- (ii) the prescribed penalty in respect of the prescribed infringement was not paid in accordance with the infringement notice within 14 days after the date of service of the notice; or

(b) that—

- (i) the board or that nominated officer allowed, for the purpose of section 29(7), the further time specified in the certificate for the payment of the prescribed penalty in respect of the prescribed infringement; and
- (ii) the prescribed penalty in respect of the prescribed infringement was not paid in accordance with the infringement notice within the time referred to in paragraph (a) or within the further time so allowed for the purpose of section 29(7);

is evidence of the matters contained therein.

(2) At the hearing of a prosecution for a prescribed infringement, a certificate purporting to be signed by the board, or an officer nominated by it in that behalf, and stating that a person specified in the certificate has not,

in relation to that prescribed infringement, furnished a statutory declaration to the board for the purpose of a provision of section 30 is evidence of the matters contained therein.

(3) In any proceeding for the purpose of this part—

- (a) a certificate or document—
 - (i) purporting to be issued pursuant to the regulations under the *Traffic Infrastructure (Roads) Act 1991* or pursuant to any corresponding legislation, ordinance or law of any State; or
 - (ii) purporting to be under the hand of the secretary or the chief executive of the department in which the *Transport Infrastructure Act 1994* is administered, or any person authorised by that chief executive in that behalf, or to be under the hand of the person or authority charged with the registration of vehicles under any legislation, ordinance or law of any State corresponding to the regulations under the *Transport Infrastructure (Roads) Act 1991*, or any person authorised by such person or authority in that behalf;

which states that on any date or during any period the vehicle specified in the certificate or document was registered in the name of the person specified therein is admissible in evidence and is evidence that the person specified in the certificate or document was the owner of the vehicle specified therein at the time or during the period specified therein and, in the absence of evidence to the contrary, is conclusive evidence of such ownership; and

- (b) a certificate or document referred to in paragraph (a) shall be taken to have been duly issued or given until the contrary is proved.

32 Service of copy of declaration under s 30(3) or (4)

(1) Where a person is named in a declaration furnished under section 30(3) as being the person who was, at the time of the prescribed infringement alleged, in charge of the vehicle that the prescribed infringement concerns—

- (a) that person shall not at the hearing of a prosecution for the prescribed infringement be found guilty of the prescribed infringement unless a copy of the declaration has, prior to the

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hearing, been served on the person in the same manner as a summons may be served under the *Justices Act 1886*; and

- (b) the declaration is admissible in evidence in a prosecution for the prescribed infringement against that person and is evidence that that person was in charge of the vehicle at that time.

(2) Where a person is named in a declaration furnished under section 30(4) as being the person to whom the vehicle that the prescribed infringement concerns was sold before the time of the prescribed infringement—

- (a) that person shall not at the hearing of a prosecution for the prescribed infringement be found guilty of the prescribed infringement unless a copy of the declaration has, prior to the hearing, been served on the person in the same manner as a summons may be served under the *Justices Act 1886*; and
- (b) the declaration is admissible in evidence in a prosecution for the prescribed infringement against that person and is evidence that that person was the owner of the vehicle at that time.

(3) At the hearing of a prosecution for a prescribed infringement, a document purporting to be a declaration furnished in accordance with section 30(3) or (4) shall, unless the contrary is shown, be taken to be such a declaration duly made and furnished.

33 Offences

A person shall not remove, deface or interfere with an infringement notice affixed to a vehicle pursuant to section 29(2)(a)(ii) unless the person is the owner or other person in charge of the vehicle to which the infringement notice is affixed.

Maximum penalty—10 penalty units.

PART 10—GENERAL PROVISIONS

34 Regulating movement of vehicles and vessels

(1) The board may by erecting a notice or notices on or adjacent to a recreation area regulate and prohibit the movement of vehicles and vessels in that area.

(2) A person who fails to comply with or contravenes a provision of a notice mentioned in subsection (1) commits an offence against this Act.

(3) A person shall not—

(a) drive or ride a vehicle in a recreation area—

(i) in a manner that causes or is likely to cause that vehicle to swerve, veer or turn violently;

(ii) at a speed or in any other manner that causes or is likely to cause—

(A) danger to himself or herself; or

(B) danger or fear to any other person lawfully within that recreation area; or

(C) damage to that recreation area;

(b) use a vehicle or vessel in a recreation area in a manner that disrupts or is likely to disrupt the peaceful existence of any person lawfully in that recreation area.

Maximum penalty—20 penalty units.

35 Authorised officer may direct a person to leave a recreation area

(1) An authorised officer may direct a person—

(a) who has committed or attempted to commit an offence against this Act in a recreation area; or

(b) who the authorised officer suspects, on reasonable grounds of having committed or attempted to commit, an offence against this Act in that recreation area;

to leave the recreation area and the person shall comply with that direction.

(2) A person specified in subsection (1) who having been ordered to leave a recreation area—

- (a) remains in or upon that recreation area; or
- (b) refuses to leave that recreation area; or
- (c) leaves that recreation area in accordance with an order given pursuant to this section but subsequently returns thereto within 24 hours of that order;

commits an offence against this Act.

36 Seizure and forfeiture of property etc.

(1) An authorised officer may, if the authorised officer believes, on reasonable grounds, that a vehicle, vessel or any other property or thing whatsoever, presently within a recreation area is being or has been used or has been obtained in connection with an offence against section 26, 34 or 40(1)(i) seize, remove and detain that vehicle, vessel, property or thing.

(2) Any vehicle, vessel, property or thing seized under this section may be detained for a period of 3 months or until the final determination (including the determination of an appeal therein (if any)) of proceedings taken within that period in relation to the vehicle, vessel, property or thing, whichever time is the longer.

(3) Notwithstanding subsection (2), where the owner or other person claiming a proprietary interest in any vehicle, vessel, property or thing being detained under this section produces to an authorised officer at a place where that vehicle, vessel, property or thing is being detained—

- (a) proof to the authorised officer's satisfaction of such ownership or interest; and
- (b) where that person was not using the vehicle, vessel, property or thing at the time of commission of the alleged offence referred to in subsection (1)—proof to the authorised officer's satisfaction of the identity and address of the person who was using the vehicle, vessel, property or thing at that time;

the vehicle, vessel, property or, as the case may be, thing shall be returned to that person forthwith upon the person signing a receipt for the same.

(4) Notwithstanding any other provision of this section, an authorised officer may release any vehicle, vessel, property or thing detained under this section at any time to the owner or other person claiming a proprietary interest in that vehicle, vessel, property or thing upon the owner or other person signing a receipt for the same in a form approved by the board.

(5) At any time when a vehicle, vessel, property or thing seized under this section is being detained under the authority of this Act the owner or other person claiming a proprietary interest therein may apply to a Magistrates Court constituted under the *Justices Act 1886* having jurisdiction at the place where the vehicle, vessel, property or thing is detained for an order that the vehicle, vessel, property or, as the case may be, thing be returned to the owner or other person, and such Magistrates Court shall have jurisdiction to hear and determine such application.

(5A) Notice of such an application shall be given to the person in whose custody the vehicle, vessel, property or thing is held.

(6) If the court which hears an application made under subsection (5) is satisfied that—

- (a) the applicant has an interest in the vehicle, vessel, property or thing that should be protected; and
- (b) the vehicle, vessel, property or thing is not required to be further detained for the purpose of legal proceedings;

it may order the vehicle, vessel, property or, as the case may be, thing be returned to the applicant, but if it is not satisfied it shall strike out the application and make such order as to costs as it thinks fit.

(7) If an order for the return of a vehicle, vessel, property or thing is made under subsection (6), such order shall take effect but where no such order is duly made and the time for which the vehicle, vessel, property or thing may be detained has expired the vehicle, vessel, property or, as the case may be, thing may be dealt with as follows—

- (a) if the owner of the vehicle, vessel, property or thing claims it within 30 days after such expiration—the same shall be returned to the owner;
- (b) if the owner of the vehicle, vessel, property or thing does not claim it within that period—the same shall be forfeited and become the property of the Crown and shall be disposed of in such manner as the authority directs.

37 Disposal of abandoned property etc.

(1) Where there is in a recreation area any vehicle, vessel or any other property or thing in respect of which there are reasonable grounds for suspecting that the same has been abandoned by the person who last used it (“**abandoned property**”), an authorised officer may remove and detain

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the abandoned property, or cause it to be removed and detained, at a place of safe keeping, and may deal with the abandoned property or cause it to be dealt with in a manner provided by this section.

(2) As soon as practicable after the removal of the abandoned property, the board shall cause to be given to the owner thereof, if the owner can be ascertained, notice in writing of such removal and of the place at which the abandoned property is then detained.

(3) The notice shall, if practicable, be served upon the owner personally, but if it is not so served within 14 days after the removal it may be given by public advertisement in a newspaper circulating in the locality in which the abandoned property was found.

(4) If within 1 month after the date of service or advertisement of the notice, the owner of the abandoned property or a person acting on the owner's behalf or a person claiming a right to the possession of the abandoned property has not obtained possession of it in accordance with the provisions of this section, the board may—

- (a) by notice published in a newspaper circulating in the locality in which the abandoned property was found, advertise that the board will offer the abandoned property for sale by public auction at the place and time stated in the advertisement;
- (b) at the time on the day stated in the advertisement (which day shall not be earlier than 14 days after the date when the advertisement was first published) and at the place stated in the advertisement, offer the abandoned property for sale by public auction unless the owner thereof or a person acting on the owner's behalf or a person claiming a right to possession thereof has sooner obtained possession of the abandoned property in accordance with the provisions of this section;
- (c) if no offer or no reasonable offer is received at the auction—dispose of it in such manner and on such terms as the board may determine.

(5) Notwithstanding subsection (4), the holding of a public auction may be dispensed with in any case where the board, having regard to the expenses associated with the holding of a public auction and the likely proceeds resulting from the auctioning of the abandoned property, considers that the holding of a public auction is not warranted, and in any such case the board may dispose of the abandoned property, but not earlier than it would have been sold by public auction, in such manner and on such terms as the board may determine.

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(6) The proceeds of the sale or disposal of the abandoned property shall be applied as follows—

- (a) firstly, in payment of the expenses of the sale or disposal;
- (b) secondly, in payment of the cost of removal and detention of the abandoned property and the service or advertisement of any notice served or advertised under this section;
- (c) thirdly, in payment of the balance of the proceeds to the owner of the abandoned property or, if after reasonable inquiry the owner can not be ascertained, into the consolidated fund.

(7) The board may deal with and dispose of any abandoned property that is perishable in such manner as the board thinks fit notwithstanding any other provision of this section, and the proceeds (if any) of the disposal of such perishable property shall be applied in accordance with subsection (6).

(8) Abandoned property that the board has removed and detained or caused so to be pursuant to this section shall not be delivered to the owner thereof or to another person acting on the owner's behalf or to a person claiming a right to the possession thereof unless the following provisions of this subsection have been complied with, that is to say—

- (a) the owner or person acting on the owner's behalf or person claiming a right to possession of the abandoned property has applied by signed notice to the board for the release of the abandoned property;
- (b) the applicant has furnished proof to the satisfaction of the board of the applicant's ownership or the applicant's right to possession of the abandoned property and, in the case of the applicant being a person acting on behalf of the owner, has furnished proof to the satisfaction of the board of the applicant's authority to so act;
- (c) the applicant has paid all expenses incurred by the board in connection with the removal and detention of the abandoned property and the service or advertisement of any notice served or advertised by the board in relation to the removal and detention or intended sale or disposal of the abandoned property;
- (d) the applicant has signed a receipt for the delivery of the abandoned property to the applicant.

(9) A person who takes delivery or obtains possession of or removes or attempts to remove from the detention of the board abandoned property

removed and detained pursuant to this section save in accordance with the provisions of subsection (8) commits an offence against this Act.

Maximum penalty—10 penalty units.

(10) In this section—

“**abandoned property**” includes any part of the abandoned property.

38 Protection for persons administering Act

A person shall not incur any liability on account of anything done bona fide and without negligence for the purposes of this Act for damage or injury alleged to arise by reason thereof.

39 Unauthorised structures etc. in a recreation area

(1) A person shall not erect, retain or maintain any building or structure, or deposit anything within a recreation area except under the authority of this Act, or of a permit granted under this Act, or of a permit or other authority granted under any other Act.

(2) Where any building or structure is erected, retained or maintained or anything is deposited within a recreation area contrary to subsection (1), it is lawful for an authorised officer—

- (a) to seize that building or structure, including any contents thereof, or that thing; and
- (b) to demolish and remove or demolish or remove from the recreation area or to a place within the recreation area that building, structure, contents or thing;

on behalf of the Crown.

(2A) Anything seized pursuant to subsection (2) shall thereby become and be the property of the Crown and shall be disposed of in such manner as the board directs.

(3) The amount of costs and expenses incurred in demolishing, removing and disposing of anything removed pursuant to subsection (2) shall be a debt due and owing to the Crown by the person who caused the structure or building to be erected, retained or maintained or the thing to be deposited in the recreation area and such amount may be recovered by the board on behalf of the Crown by action for a debt in a court of competent jurisdiction.

40 Specific offences

(1) A person shall not—

- (a) assault, obstruct, hinder, threaten, abuse, insult, or intimidate an authorised officer in the exercise of powers or the discharge of duties under this Act, or offer or attempt, or incite or encourage any other person, so to do; or
- (b) fail to facilitate by all reasonable means the entry and inspection of any place by an authorised officer; or
- (c) refuse to allow to be removed, seized or detained under this Act any vehicle, vessel, property or thing; or
- (d) take, retake, remove or otherwise interfere with or attempt to take, retake, remove or otherwise interfere with anything removed, seized or detained under this Act; or
- (e) when required by or under this Act to answer a question or to furnish any information to an authorised officer fail to answer the question or to furnish that information or give an answer or furnish information which is in any respect false or misleading; or
- (f) fail, without reasonable excuse, the proof whereof shall lie upon the person, to produce any certificate of exemption, licence, permit, or other authority, book, notice, record, list, document or writing that the person is required by an authorised officer to produce under this Act, or fail to allow an authorised officer to take possession of such book, notice, record, list, document or writing or to take notes, copies or extracts thereof or therefrom; or
- (g) fail to comply with the lawful requisition or any part of the lawful requisition of an authorised officer; or
- (h) give or agree to give or offer to an authorised officer any gift or consideration as an inducement or reward for any act done or to be done, or any forbearance observed or to be observed, or any favour shown or to be shown by such officer in or in relation to the exercise of powers or the discharge of duties under this Act: (For the purpose of this paragraph, a gift or consideration shall be deemed to be given as an inducement or reward if the receipt or any expectation thereof would be in any way likely to influence the officer to do or leave undone something contrary to the authorised officer's duty); or

- (i) without lawful authority, the proof whereof shall lie upon the person, take, destroy, damage, or otherwise interfere with or cause to be taken, destroyed, damaged or otherwise interfered with any buildings, fences, gates, roads, tracks, works, notices, signs, materials, tools, goods, or chattels of any nature being within a recreation area; or
- (j) within a recreation area behave in a manner likely to cause danger, fear or annoyance to any person; or
- (k) within a recreation area interfere with any land resources or marine resources.

(2) Where a person who prior to answering a question, or giving any information under the compulsion of this Act, other than a question or information in respect of the person's name, age and address, objects to an authorised officer that to do so might incriminate the person in the commission of an offence against this Act the answer so given or that particular information so furnished by the person shall not be admissible in evidence upon a charge against that person of an offence against this Act other than an offence defined in subsection (1)(e).

41 Forgery of licence etc. and other offences

A person—

- (a) shall not forge, counterfeit, copy or alter any licence, permit, certificate, or other authority granted under and for the purposes of this Act;
- (b) shall not utter, copy, alter or make use of any such licence, permit, certificate, or other authority so forged or counterfeited;
- (c) shall not unlawfully, alter, obliterate, deface, pull up, remove or destroy any boundary-mark or any notice which has been posted in any place for the purposes of this Act;
- (d) shall not personate any person named in any licence, permit, certificate, or other authority granted under and for the purposes of this Act;
- (e) shall not make or cause to be made in any book, record, return, declaration, or statement directed by this Act to be kept or made, any entry or writing which is to the person's knowledge false in any material particular;

- (f) shall not falsely represent himself or herself to be an authorised officer appointed under this Act;
- (g) shall not connive at any such forging, counterfeiting, copying, altering, uttering, making use, fixing, making, using, personating, making of the entry or writing or false representation as aforesaid.

Maximum penalty—20 penalty units or 1 year’s imprisonment.

43 Offences generally

(1) Any person who contravenes or fails to comply with any provision of this Act or who fails to comply in any respect with any provision, condition or restriction subject to which any permit or other authority is granted or made under this Act commits an offence against this Act.

(2) Every person who attempts, aids, abets, counsels, or procures, or is in any way knowingly concerned in, the commission of an offence against this Act shall be deemed to have committed that offence, and shall be punishable accordingly.

(3) Where by this Act any authority is given to any person to direct anything to be done or to forbid anything to be done and anything so directed to be done is not done or anything so forbidden to be done is done, then every person who has offended against such direction or, as the case may be, prohibition commits an offence against this Act.

44 General penalty

(1) Any person guilty of an offence against any provision of this Act shall be liable, if no specific penalty is provided for that offence, to a penalty of 20 penalty units.

(2) All penalties recovered in respect of offences against this Act shall be paid to the board.

45 Summary proceedings

(1) All offences against this Act may be prosecuted and all amounts of fees, charges or other moneys payable under this Act and not paid may be recovered in a summary way under the *Justices Act 1886*, on complaint by an authorised officer or by any other person authorised in that behalf either generally, or in a particular case, by the board.

(2) For the purposes of this Act, an authorised officer or other person authorised by the board pursuant to subsection (1) shall be deemed to be a public officer for the purposes of the *Justices Act 1886*, section 142A.

(3) A complaint for an offence against this Act may be heard and determined at a place appointed for holding Magistrates Courts within the Magistrates Courts district within which or within 50 km of which—

- (a) the offence was committed or the matter of complaint arose; or
- (b) the offender was served with the summons; or
- (c) a vehicle, vessel or other thing connected with the offence is subsequently found.

(4) It is immaterial for the purposes of this section that the person charged with the offence is not the person in whose keeping the vehicle, vessel or other thing in connection with the offence was found.

46 Time for commencement of prosecutions

A prosecution for an offence against this Act may be instituted at any time within 12 months after the commission of the offence or within 6 months after the commission of the offence comes to the knowledge of the complainant, whichever is the later period.

47 Effect of penalties and punishment

Where a person is convicted for an offence against this Act, any penalty or punishment for which the person is liable under this Act shall be in addition to and not in substitution for—

- (a) any penalty or fine (pecuniary or otherwise) imposed by or under any agreement, contract, lease, permit or licence or other authority; or
- (b) any forfeiture;

under this Act.

48 Liability and reimbursement for loss and damage

(1) Where loss or damage has or both loss and damage have been caused to any part of a recreation area or to any property of the board as a

consequence of the contravention of this Act by a person, the board may demand payment from that person of the amount of money—

- (a) that is the value of the loss or damage or, as the case may be, loss and damage to the recreation area and any property vested in the board caused by the contravention; and
- (b) that represents the costs and expenses of the investigation of the contravention by or on behalf of the board.

(2) Any amount so demanded and not paid may be recovered by the board by summary proceedings upon complaint or by action as for a debt in any court of competent jurisdiction.

(3) A proceeding or action under this section for the recovery of any amount may be commenced whether or not proceedings for prosecution of an offence against this Act in respect of that contravention have been commenced or not and whether any person is convicted therefor or not.

49 All moneys to be property of board

All debts and other moneys whatsoever for the time being owing to the board under this Act by any person on any account whatsoever, are hereby declared to be the property of the board and recoverable as from debtors to the board with such interest (if any) as prescribed.

50 Recovery of moneys

(1) All moneys due to the board under this Act may be recovered by summary proceedings on complaint, or by action as for a debt in any court of competent jurisdiction.

(2) The several remedies for the recovery of amounts of fees, rents, charges and other sums payable under this Act and not paid shall be alternative and no such remedy shall prejudice or otherwise affect any other excepting that resort shall not be had to more than 1 such remedy in respect of any one and the same amount of fees, rents, charges or other sums so payable.

51 Judicial notice

Judicial notice shall be taken of every notification under this Act published in the gazette.

52 Board may appear by officer

(1) The board may appear before any court or in any proceedings by any authorised officer or other person authorised by the board in that behalf either generally or in the particular case, and such officer or other person shall be at liberty to institute and carry on any proceedings that the board is authorised to institute and carry on under this Act.

(2) The authorised officer or other person shall be reimbursed all costs, charges, and expenses to which the authorised officer may be put or with which the authorised officer may become chargeable by reason of anything contained in this provision.

(3) If any person against whom the board has any claim or demand under this Act takes the benefit of any law for the relief of insolvent debtors, the authorised officer or other person, in all proceedings against the estate of such insolvent or under any adjudication, sequestration, or act of insolvency against or by such insolvent, may represent the board and act on its behalf in all respects.

53 Authentication of writings

Every notice, order, process, document or other writing whatsoever requiring authentication by the board shall be sufficiently authenticated with the seal of the board or, without the seal of the board, if signed by any person authorised by the board in that behalf.

54 Evidentiary aids

In any proceedings under or for the purposes of this Act—

- (a) it shall not be necessary to prove the appointment of an authorised officer or the authority of any person authorised to do any act or to take the proceedings or to give any direction or order, but this shall not prejudice the right of any defendant to prove the extent of such authority;
- (b) a signature purporting to be that of any authorised officer shall be taken to be the signature it purports to be until the contrary is proved;
- (c) it shall not be necessary to prove the limits of any area or locality whatsoever, or that any place is within a recreation area or an area or a locality, or part thereof, but this shall not prejudice the right of any defendant to prove the limits of the area or locality or

Recreation Areas Management Act 1988

that any place is not within a recreation area, area, or locality, or part thereof;

- (d) a document purporting to be a duplicate or a copy of a certificate, permit, licence or other authority, agreement or contract, notice or order granted, given or made under this Act shall, upon its production in evidence, be evidence of that certificate, permit, licence, other authority, agreement or contract, notice, or, as the case may be, order;
- (e) a document purporting to be executed by the board under its seal, and stating that at any specified time there was or was not in force any certificate, permit, licence or other authority, agreement or contract, as described therein granted, given or made under this Act to or with a specified person, and, if stated therein, that such certificate, permit, licence or other authority, agreement or contract was or was not subject to terms, conditions or restrictions, or was not issued or made subject to the provisions, conditions and restrictions set out in that document, or that at any specified time a specified person was or was not exempted from any specified provisions of this Act, shall be evidence of the matters in that document;
- (f) a document purporting to be a copy of any letter or electronic communication and purporting to be executed by the board under its seal, and purporting to authorise any person to institute any legal proceedings shall be admissible in evidence at the proceedings, and shall be accepted as evidence of the authority of the person to institute and prosecute the proceedings;
- (g) the averment in any complaint of the date on which the commission of any offence under this Act came to the knowledge of the complainant shall be evidence of that matter;
- (h) a map or plan purporting to be made by the board or by an authorised officer and sealed with the seal of the board, or purporting to be issued or published by any department or any officer thereof, shall be evidence of the matters stated or delineated thereon;
- (i) copies of any plans, sections, specifications and books of reference relating to matters arising under this Act, or of any alteration or correction thereof, or extracts therefrom, certified by an authorised officer or by a person authorised by the board in that behalf to be true copies or, as the case may be, extracts

thereof (which certificates such officer or person shall give to all parties interested when required, on payment of such fees as are determined by the board) shall be evidence of the contents thereof;

- (j) a document purporting to be executed by the board under its seal, and certifying that the amount of fees, rents, compensation, costs, charges, expenses or other sums specified therein is payable under this Act and has not been paid by a specified person shall be evidence of the matter or matters certified to therein;
- (k) any document whatever purporting to be issued or written by or under the direction of the board, and purporting to be signed by the board under its seal, shall be received in evidence and shall be deemed to be issued or written by or under the direction of the board until the contrary is proved.

55 Acknowledgment of service

A person or the person's manager, servant, or agent shall, if thereunto required by an authorised officer or person authorised by the board, acknowledge any notice, order, direction or other document given, delivered or served under this Act, by signing the original or, as the case may be, duplicate copy retained by that officer or person.

57 By-laws

- (1) The board may make by-laws under this Act.
- (2) A by-law may be made for or about the matters in schedule 3.
- (3) The by-laws may provide, in respect of an offence against the by-laws, for the imposition of—
 - (a) a fine not exceeding 40 penalty units; or
 - (b) a fine not exceeding 2 penalty units for each day during which the offence continues.
- (4) A by-law is subordinate legislation.

58 Regulation-making power

- (1) The Governor in Council may make regulations under this Act.
- (2) A regulation may be made for or about the matters in schedule 1.

SCHEDULE 1

SUBJECT MATTERS FOR REGULATIONS

section 58

1 Officers

Prescribing the powers, functions, authorities, means of identification and duties of authorised officers.

2 Mode of action etc.

Prescribing and defining the manner of doing or performing any act or thing under or for the purposes of this Act, and the time when or within which it shall be done or performed.

3 Procedure

Providing for meetings of the board and the procedure at such meetings.

4 Management plans

Prescribing for the preparation, review, finalisation and release of management plans for recreation areas.

5 Permits etc.

(1) Prescribing, regulating and controlling applications for, and the granting, issuing and amending of permits and other authorities, and the entering into agreements and contracts, under or for the purposes of this Act; prescribing the provisions, conditions and reservations subject to which all or any such permits, other authorities, agreements and contracts shall be granted or made, held, transferred, mortgaged, extended, determined, cancelled, forfeited, surrendered or withdrawn.

(2) Prescribing, regulating and controlling the exercise of the powers and authority conferred by permits, other authorities, agreements and contracts and all or any matters incidental thereto.

SCHEDULE 1 (continued)

(3) Prescribing the conditions under which, and the period or maximum period for which, the obligations, under this Act of the holder of a permit, or other authority, or a party to a contract or agreement to perform any conditions thereof may be suspended.

(4) Prescribing the manner and form of forfeiture or cancellation or suspension of permits, other authorities, and agreements and contracts, and the conditions under which such may be made, and the procedure to be observed.

6 Production of permits etc.

Requiring the production of any certificate, permit, other authority, agreement or contract by the holder thereof, for the purpose of making an endorsement thereon, or for any other purposes.

8 Fees etc.

Prescribing the matters or things in respect whereof fees, costs, charges and expenses, where such prescription is not otherwise provided for by this Act, shall be payable under this Act and the amounts of such fees, costs, charges and expenses, and prescribing the persons who shall be liable for the payment of such fees, costs, charges and expenses, and when such fees, costs, charges and expenses shall be payable and paid, and providing for the manner of payment thereof and for the recovery of any amount thereof not duly paid.

9 Penalties

Prescribing either generally or for the purposes of any particular regulations the amount of any pecuniary penalty for an offence with respect thereof, not exceeding in any case 20 penalty units.

SCHEDULE 3**SUBJECT MATTERS FOR BY-LAWS**

section 57

1. Regulating or prohibiting access to and movement on or across the whole or part of a recreation area by persons or classes of persons, by animals or classes of animals, by vehicles or classes of vehicles, and by vessels or classes of vessels.
2. Regulating, controlling or prohibiting, by means of notices, fences or barriers, the access to and use of a recreation area or any part thereof by persons, animals, vehicles and vessels or any class or description thereof.
3. Regulating the conduct and behaviour of persons, the use of radios, tape recorders, cassette players, amplifiers, loud speakers, generators or any other similar device and the holding of public meetings.
4. Providing for the removal of persons who are believed on reasonable grounds to be trespassers or to have contravened or failed to comply with this Act or a by-law.
5. Regulating or prohibiting residence and camping.
6. Providing for the safety of persons.
7. Providing for a system to authorise persons to camp in a recreation area, for the manner of compliance with that system and for the consequences of failure to comply with that system.
8. Providing for fees and charges to be imposed by the board upon persons entering, camping in or using a recreation area or using services or facilities provided within the recreation area.
9. Providing for the prevention or control of nuisances and the fouling of water.
10. Regulating or prohibiting the carrying on of any trading, franchise or concession.
11. Regulating the lighting or use of fire.

SCHEDULE 3 (continued)

12. Regulating or prohibiting, and providing for the imposition and collection of charges for—
 - (a) access of pedestrians; and
 - (b) the parking and stopping of vehicles; and
 - (c) the mooring of vessels; and
 - (d) the landing of aircraft; and
 - (e) the use of vehicles and vessels.
13. Providing for the removal of vehicles, aircraft or vessels from where they have been left in contravention of the by-laws or have been abandoned and for impounding such vehicles, aircraft or vessels.
14. Regulating or prohibiting the dumping or disposal of refuse or litter or abandoning of property and providing for the removal of such refuse or litter or abandoned property.
15. Regulating or prohibiting the erection of any hut, tent, caravan or other structure of any kind whatsoever.
16. Providing for the consequences of the failure to comply with a by-law.
17. Providing for the planning, management and control of recreation areas.
18. Regulating or prohibiting specific recreational activities where such activities may affect personal and public safety, or are likely to damage the recreational, environmental or cultural values of the area.
19. Regulating or prohibiting designated commercial activities within the boundaries of a recreation area.
20. Regulating or prohibiting the use of various classes of vessels in certain areas.
21. Regulating or prohibiting the use of weapons.
22. Regulating the use and storage of flammable substances.
23. Regulating or prohibiting the consumption of food and drink in certain areas within a recreation area.
24. Regulating or prohibiting the introduction and the removal of land resources and of marine resources into or from a recreation area.

SCHEDULE 3 (continued)

25. Regulating the taking and distribution of water for personal use within a recreation area.
26. Regulating the movement of objects.
27. Providing that on conditions or unconditionally, persons, matters or things or a class of persons, matters or things may be exempted from the provisions of the by-laws.

ENDNOTES**1 Index to endnotes**

	Page
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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 27 March 2002. Future amendments of the Recreation Areas Management Act 1988 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Changed citations and remade laws	1
Changed names and titles	1
Corrected minor errors	1
Obsolete and redundant provisions	1
Renumbered provisions	1

6 List of legislation

Recreation Areas Management Act 1988 No. 110

date of assent 14 December 1988

ss 1–2 commenced on date of assent (see s 2(1))

ss 13–19 commenced 21 January 1989 (proc pubd gaz 21 January 1989 p 299)

s 24 commenced 15 April 1989 (proc pubd gaz 15 April 1989 p 2200)

ss 3–12, 20–23, 25–68 commenced 1 July 1989 (proc pubd gaz 17 June 1989 p 1224)

remaining provisions never proclaimed into force and om 1995 No. 57 s 4 sch 3 pt 1 and 1995 No. 58 s 4 sch 1

amending legislation—

Recreation Areas Management Act Amendment Act 1990 No. 14

date of assent 25 May 1990

ss 1–2 commenced on date of assent (see s 2(1))

remaining provisions commenced 1 July 1990 (proc pubd gaz 30 June 1990 p 1343)

Primary Industries Corporation Act 1992 No. 15 ss 1–2, 13 sch

date of assent 13 May 1992

ss 1–2 commenced on date of assent

remaining provisions commenced 30 September 1992 (1992 SL No. 271)

Nature Conservation Act 1992 No. 20 ss 1–2, 159 sch 2

dated of assent 22 May 1992

ss 1–2 commenced on date of assent

remaining provisions commenced 19 December 1994 (1994 SL No. 472)

Environmental Legislation Amendment Act No. 40 1995 pts 1, 6

date of assent 27 October 1995

commenced on date of assent

Statute Law Revision Act 1995 No. 57 ss 1–2, 4 sch 3 pt 1

date of assent 28 November 1995

commenced on date of assent

Statute Law Revision Act (No. 2) 1995 No. 58 ss 1–2, 4 sch 1

date of assent 28 November 1995

amendment 14 commenced 19 December 1994 (see s 2(1))

remaining provisions commenced on date of assent

Public Service Act 1996 No. 37 ss 1–2, 147 sch 2

date of assent 22 October 1996

ss 1–2 commenced on date of assent

remaining provisions commenced 1 December 1996 (1996 SL No. 361)

Statute Law (Miscellaneous Provisions) Act 1997 No. 81 ss 1–3, sch

date of assent 5 December 1997

commenced on date of assent

Financial Administration Legislation Amendment Act 1999 No. 29 ss 1–2, 50 sch

date of assent 16 June 1999

ss 1–2, 50 commenced on date of assent

remaining provisions commenced 1 July 1999 (1999 SL No. 122 and see 1999 SL No. 119, 1999 SL No. 70 s 2(3))

Police Powers and Responsibilities Act 2000 No. 5 ss 1–2, 373 sch 3

date of assent 23 March 2000

ss 1–2, 373 commenced on date of assent (see s 2(2))

remaining provisions commenced 1 July 2000 (see s 2(1), (3) and 2000 SL No. 174)

Primary Industries and Natural Resources Legislation Amendment Act 2000 No. 26 ss 1, 12 sch 1

date of assent 27 June 2000

commenced on date of assent

Water Act 2000 No. 34 ss 1–2, 1145 sch 3

date of assent 13 September 2000

ss 1–2 commenced on date of assent

remaining provisions not yet proclaimed into force (automatic commencement under AIA s 15DA(2) deferred to 13 September 2002 (2001 SL No. 158 s 2))

Nature Conservation and Other Legislation Amendment Act 2000 No. 44 ss 1, 42 sch

date of assent 25 October 2000

commenced on date of assent

Duties Act 2001 No. 71 ss 1–2(1), 551 sch 1

date of assent 13 November 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 1 March 2002 (2002 SL No. 10)

National Trust of Queensland and Other Legislation Amendment Act 2001 No. 102 pts 1, 3

date of assent 19 December 2001

commenced on date of assent

7 List of annotations

Long title

amd R1 (see RA s 40)

Commencement

s 2 om R1 (see RA s 37)

Objectives of Act

s 3 amd 1990 No. 14 s 4; 1992 No. 15 s 13 sch; 1992 No. 20 s 159 sch 2; 2000 No. 26 s 12 sch

Arrangement of Act

s 4 om 1992 No. 15 s 13 sch

Interpretation

s 5 def “**chief executive**” om 1990 No. 14 s 5

def “**Crown land**” amd 1992 No. 20 s 159 sch 2; 2000 No. 44 s 42 sch

def “**fee**” ins 1995 No. 40 s 25

def “**fund**” amd 1999 No. 29 s 50 sch

def “**Local Authority**” om 1992 No. 15 s 13 sch
 def “**proprietor**” amd 1995 No. 58 s 4 sch 1; 2000 No. 34 s 1145 sch 3
 def “**weapon**” amd 1995 No. 58 s 4 sch 1

Application of laws etc.

s 6 amd 1990 No. 14 s 6; 1992 No. 20 s 159 sch 2; 1995 No. 58 s 4 sch 1

Establishment of recreation areas

s 9 amd 1995 No. 58 s 4 sch 1

Endorsements of instruments of title

s 10 amd 1995 No. 58 s 4 sch 1; 2001 No. 71 s 551 sch 1

Amalgamation, division and revocation of recreation areas

s 11 amd 1995 No. 58 s 4 sch 1

Authority

s 13 amd 1992 No. 20 s 159 sch 2

Membership of board

s 15 amd 1990 No. 14 s 7; 1992 No. 15 s 13 sch; 1992 No. 20 s 159 sch 2

Secretary

s 17 amd 1996 No. 37 s 147 sch 2

Functions and powers of board

s 18 amd 1990 No. 14 s 8; 1995 No. 58 s 4 sch 1; 1999 No. 29 s 50 sch

Delegation

s 19 amd 1995 No. 58 s 4 sch 1

Management plan for recreation area

s 20 amd 1990 No. 14 s 9; 1995 No. 58 s 4 sch 1

Amendment of management plan for recreation area

s 20A ins 1990 No. 14 s 10
 amd 1995 No. 58 s 4 sch 1

Review of management plan

s 21 amd 1990 No. 14 s 11

Authorised officers

s 22 amd 1992 No. 20 s 159 sch 2

General powers of authorised officers

s 23 amd 2000 No. 5 s 373 sch 3

Funds of the board

s 24 amd 1999 No. 29 s 50 sch

Application of Financial Administration and Audit Act 1977

s 25 sub 1997 No. 81 s 3 sch

Power of board to grant permits

s 27 amd 1990 No. 14 s 12; 1992 No. 20 s 159 sch 2; 1995 No. 58 s 4 sch 1

Interpretation

s 28 amd 1995 No. 58 s 4 sch 1

Service and effect of infringement notice

s 29 amd 1995 No. 58 s 4 sch 1

Liability for prescribed infringements and exculpation

s 30 amd 1995 No. 58 s 4 sch 1

Facilitation of proof

s 31 amd 1995 No. 58 s 4 sch 1

Powers of arrest by police officers

s 42 om 2000 No. 5 s 373 sch 3

Evidentiary aids

s 54 amd 1995 No. 58 s 4 sch 1

Acknowledgment of service

prov hdg sub 1995 No. 58 s 4 sch 1

s 55 amd 1995 No. 58 s 4 sch 1

Orders in Council

s 56 om 1995 No. 58 s 4 sch 1

By-laws

s 57 amd 1995 No. 58 s 4 sch 1; 2001 No. 102 s 22

Regulation making power

s 58 sub 1995 No. 58 s 4 sch 1

Regulations

s 59 om 1995 No. 58 s 4 sch 1

PART XI—REPEAL OF FRASER ISLAND PUBLIC ACCESS ACT 1985

pt hdg om 1990 No. 14 s 13

pt 11 (ss 60–68) om 1990 No. 14 s 13

PART XII—REPEAL OF BRISBANE FOREST PARK ACT 1977–1988

pt hdg never proclaimed into force and om 1995 No. 58 s 4 sch 1

pt 12 (ss 69–77) never proclaimed into force and om 1995 No. 57 s 4 sch 3

SCHEDULE 1—SUBJECT MATTERS FOR REGULATIONS

sch amd 1995 No. 58 s 4 sch 1

Forms

s 7 om 1995 No. 58 s 4 sch 1

Matters prescribed

s 10 om 1995 No. 58 s 4 sch 1

General power

s 11 om 1995 No. 58 s 4 sch 1

8 Provisions that have not commenced and are not incorporated into reprint

The following provision is not incorporated in this reprint because it had not commenced before the reprint date (see Reprints Act 1992, s 5(c)).

Water Act 2000 s 1145 sch 3 reads as follows—

1. Section 5, definition “proprietor”, paragraph (b)(ii)(B), ‘*Water Resources Act 1989*’—

omit, insert—

‘Water Act 2000’.