

Queensland



ANNO VICESIMO SEXTO

ELIZABETHAE SECUNDAE REGINAE

No. 56 of 1977

An Act to establish the Brisbane Forest Park and to provide for the administration, management and control of the park and for related purposes

[ASSENTED TO 7TH OCTOBER, 1977]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

1. **Short title.** This Act may be cited as the *Brisbane Forest Park Act 1977*.

2. **Commencement of Act.** (1) This Part of this Act and section 5 shall come into operation on the day on which this Act is assented to for and on behalf of the Crown.

(2) The Governor may by Proclamation—

- (a) appoint a day on which the provisions of this Act, other than of this Part and section 5, shall come into operation; or
- (b) appoint days on which the provisions of this Act, other than of this Part and section 5, specified in the Proclamation shall come into operation.

Days appointed pursuant to paragraph (b) may be appointed in the one Proclamation or in different Proclamations.

This Act, other than this Part and section 5, or a provision of this Act specified in the Proclamation shall come into operation on the day appointed by Proclamation made pursuant to this subsection for the coming into operation of this Act, other than this Part and section 5, or, as the case may be, that provision.

3. Arrangement of Act. This Act is divided into Parts, Divisions and Schedules as follows:—

PART I—PRELIMINARY (ss. 1-4);

PART II—BRISBANE FOREST PARK (ss. 5-11);

PART III—ADVISORY PLANNING BOARD (ss. 12-24);

PART IV—ADMINISTRATION AUTHORITY (ss. 25-26);

PART V—ADMINISTRATION OF THE PARK (ss. 27-41);

Division 1—Functions and Powers of the Board;

Division 2—Functions and Powers of the Administration Authority;

Division 3—Affairs of Administration Authority;

PART VI—GENERAL PROVISIONS (ss. 42-49).

FIRST SCHEDULE.

SECOND SCHEDULE.

4. Interpretation. In this Act, save where a contrary intention appears—

“Administration Authority” means the corporation sole constituted by this Act by the name “The Brisbane Forest Park Administration Authority”;

“Board” means the Brisbane Forest Park Advisory Planning Board as duly constituted under this Act at the material time;

“Local Authority” means Brisbane City Council and a Local Authority within the meaning of the *Local Government Act 1936-1977*;

“Minister” means the Minister for Lands, Forestry, National Parks and Wildlife Service and the Minister of the Crown who for the time being holds the portfolio of Lands whether by that name and style alone or in conjunction with other names and styles;

“proprietor” means—

(a) in relation to Crown land, the Minister;

(b) in relation to land that pursuant to an Act is under the control of any person for a public purpose or of a department of government of the State, that person or, as the case may be, the Minister of the Crown who administers that department;

- (c) in relation to land reserved and set apart for a public purpose under the *Land Act 1962-1975*—
- (i) where the land is placed under the control of trustees, those trustees;
 - (ii) in any other case, the Minister;
- (d) in relation to land granted by the Crown in trust to a Local Authority or alienated by the Crown in fee-simple and held by a Local Authority, that Local Authority;
- “recreational use” includes any sporting use;
- “the park” means the Brisbane Forest Park declared by this Act as it is constituted at the material time.

PART II—BRISBANE FOREST PARK

5. The Forest Park. (1) The area of land comprising the lands particularized in the First Schedule is hereby declared to be the Brisbane Forest Park.

(2) The location of the Brisbane Forest Park as declared by subsection (1) in relation to its environs is shown as the shaded areas on the plan contained in the Second Schedule and is shown in greater detail on Plan Catalogue No. FTY 921 deposited in the Department of Mapping and Surveying at Brisbane.

6. What land may form park. The following descriptions of land, and no other, may be included in and form part of the park:—

- (a) Crown land;
- (b) land that pursuant to an Act is under the control of any person for a public purpose or of a department of government of the State;
- (c) land reserved and set apart for a public purpose under the *Land Act 1962-1975*;
- (d) land granted by the Crown in trust to a Local Authority;
- (e) land alienated by the Crown in fee-simple and held by a Local Authority.

7. Manner of altering area of park. (1) Land may be included in or excluded from the park upon the recommendation of the Administration Authority made to the Governor in Council.

In the case of a proposal to include any land in the park or to exclude from the park land that is alienated by the Crown in fee-simple such a recommendation shall not be made save with the consent of the proprietor of the land first had and obtained.

(2) If the Governor in Council approves of the proposal in question to include land in or exclude land from the park, the Minister shall cause to be laid before the Legislative Assembly notice of the proposal.

Such notice—

- (a) shall particularize as well as may be the land, the subject of the proposal;

- (b) shall indicate as well as may be the location of such land in relation to the nearest boundary of the park; and
- (c) in the case of a proposal to exclude land from the park, shall specify the reason or reasons for the exclusion.

(3) If the Legislative Assembly approves of the proposal by resolution on a motion of which not less than 14 days' notice has been given the Governor in Council may include in the park or exclude from the park the land, the subject of the proposal, by amending the First Schedule in the appropriate manner by way of Order in Council.

The First Schedule as amended from time to time by the Governor in Council shall be taken to be the First Schedule to this Act.

(4) Except in the cases provided for in section 8, any instrument or procedure that purports to include land in or exclude land from the park or that would, but for this subsection, have such effect and that is not made or carried out in accordance with this section shall have no force or effect.

8. Exclusion of public roads and inclusion of closed roads. (1) No road dedicated to public use, whether it is comprised of land which prior to the dedication formed part of the park or is comprised of land excised from land which after the dedication becomes part of the park, shall be taken to form part of the park.

(2) Where a road dedicated to public use and located within the external boundaries of the park is permanently closed the Governor in Council may, by Order in Council made upon the recommendation of the Administration Authority, include in the park the land which comprised the road by amending the First Schedule to include therein reference to such land.

The First Schedule as so amended shall be taken to be the First Schedule to this Act.

(3) Where land is excluded from the park by reason of the dedication of a road to public use or is included in the park consequent upon the closure of a road referred to in subsection (2)—

- (a) the exclusion shall be deemed not to be an exclusion of land from the park to which section 7 would apply; and
- (b) the inclusion shall be deemed not to be an inclusion of land in the park to which section 7 would apply.

9. Park deemed reserve for mining purposes. Land forming part of the park, which is not for any other reason a reserve within the meaning of the *Mining Act* 1968–1976, shall be deemed to be a reserve for the purposes of the application of that Act.

10. Endorsement of instruments of title. (1) Where the estate or interest in land forming part of the park is recorded in the registers kept by the Registrar of Titles or the Registrar of Dealings or in any other register or any other record is kept concerning such land the registrar or other person charged with keeping such register or record is hereby authorized, subject to subsection (2), to cause all necessary entries to be made in the appropriate registers or record to record the fact that such land forms part of the park and if such land or part thereof is excluded from the park is hereby authorized, subject as aforesaid, to cause all necessary entries to be made in the appropriate registers or record to record the fact that such land or part has been excluded from the park.

(2) A registrar or other person shall exercise an authority conferred on him by subsection (1)—

- (a) upon the request of the Administration Authority;
- (b) upon his being satisfied by the production of evidence satisfactory to him that the land in question forms part of the park or, as the case may be, has been duly excluded from the park; and
- (c) without payment of any fee.

(3) Stamp duty shall not be payable on any instrument or other writing made only for the purpose of an exercise of an authority conferred by subsection (1).

11. Effect on proprietors' rights etc. of land's inclusion in park. The rights and obligations had by the proprietor of land forming part of the park are not affected save to the extent and in the manner expressly prescribed in this Act.

PART III—ADVISORY PLANNING BOARD

12. Constitution of Board. There shall be constituted from time to time as prescribed a board under the name and style "Brisbane Forest Park Advisory Planning Board".

13. Members of Board. (1) The Board shall consist of the following members:—

- (a) one person, nominated by the Minister, who shall be chairman;
- (b) officers of the departments of government of the State specified in the first column of the following table to the number specified in the second column of the table nominated in each case by the Permanent Head within the meaning of the *Public Service Act 1922-1973* of the department in which the officer or officers hold an appointment—

TABLE

Co-ordinator-General	..	..	..	..	..	..	1
Main Roads	..	..	..	..	..	..	1
Community and Welfare Services and Sport	..	..	..	..	..	..	1
Forestry	..	..	..	..	..	..	2
Lands	..	..	..	..	..	..	2

- (c) two officers of Brisbane City Council, nominated by that council;
- (d) one officer of the Local Authority of each of the following Areas, nominated in each case by the Local Authority whose officer he is:—
 - (i) City of Ipswich;
 - (ii) Shire of Moreton;
 - (iii) Shire of Esk;
 - (iv) Shire of Pine Rivers.

(2) The person nominated to be a member of the Board pursuant to subsection (1) (a) shall not be an officer of any department of Government or Local Authority referred to in subsection (1).

Of the two officers of the Department of Lands nominated to be members of the Board pursuant to subsection (1) (b) one shall be an officer of the National Parks and Wildlife Service.

(3) The Governor in Council may by Order in Council made upon the recommendation of the Administration Authority, substitute for any of the first three departments of governments specified in the table contained in paragraph (b) of subsection (1) another department of government of the State.

Upon the publication of such an Order in Council and until a fresh such order is made to replace the first-mentioned order, this section shall be construed to provide for the membership of the Board next constituted and of each Board thereafter constituted as if the department so substituted for the time being were referred to in such table in lieu of the department for which it is substituted.

14. Panels of nominees. (1) At least two months before the members of the Board first constituted are to be appointed and thereafter at least two months before the expiration of the third year of the term of appointment of members for the time being of the Board the Minister shall, in writing, request Brisbane City Council to furnish to him a panel of names of four of its officers and each of the other Local Authorities referred to in section 13 (1) to furnish to him a panel of names of two of its officers within the time limited in the request.

(2) If at any time the Minister fails to comply with subsection (1) within the time limited therein he may at any later time issue his request in writing therein prescribed and such issue and all action taken thereon as prescribed shall be deemed to be sufficient compliance with this Act.

(3) If at any time default is made in furnishing as requested by the Minister a panel of names or the panel or panels of names furnished is or are, in the Minister's opinion, inadequate as to the number, description or fitness of persons named therein and if such default or inadequacy continues for 14 days after notice is given by the Minister to the body requested to furnish the panel of names the Minister may at his discretion nominate a person or persons sufficient as to number, description or fitness to comprise the panel in respect of which default is made or, as the case may be, to make adequate the panel or panels furnished.

15. Selection of nominees by Minister. The Minister shall select two persons from the panel furnished to him by Brisbane City Council and one person from each panel furnished to him by the other Local Authorities referred to in section 13 (1) who he considers to be fit to be recommended by him for appointment as members of the Board.

16. Appointment of Board Members. (1) The members of the Board shall be appointed by the Governor in Council on the recommendation of the Minister, by notification published in the Gazette.

(2) The Board may be first constituted at any time after the passing of this Act and if in so constituting the Board the provisions of this Part with respect to the nomination, selection and appointment of members of the Board are complied with the Board shall be taken to have been validly constituted.

17. Term of appointment. Every member of the Board shall be appointed for a term of three years and, if he is duly nominated for a second or subsequent appointment, shall be eligible for further appointment to membership of the Board but in every case, unless his office is sooner vacated as prescribed, his appointment shall be deemed to continue until his successor, duly appointed as prescribed, assumes his office as a member.

18. How member's office is vacated. (1) The chairman of the Board may, by writing addressed to the Minister, resign his office at any time.

His resignation shall be effective upon its receipt by the Minister.

(2) A member of the Board may be removed from his office by the Governor in Council if in the opinion of the Governor in Council he is incompetent or unfit to hold his office.

His removal shall be effective upon the issue by the Minister of notice of his removal.

(3) A member of the Board shall be taken to have vacated his office if—

- (a) he dies;
- (b) without the Board's leave first obtained, he is absent from three consecutive meetings of the Board of which notice has been duly given to him; or
- (c) being a person nominated for his office pursuant to paragraph (b), (c) or (d) of section 13 (1) he ceases to be qualified as prescribed by that section to be such a member.

(4) For the purposes of subsection (3) (b)—

- (a) the non-attendance of a member at the time and place appointed for an ordinary meeting shall not constitute absence from such meeting unless a meeting of the Board at which a quorum is present is actually held on that day;
- (b) the attendance of a member at the time and place appointed for an ordinary meeting shall be deemed to constitute presence at an ordinary meeting notwithstanding that by reason of the lack of a quorum a meeting is not actually held on that day;
- (c) the names of the members who attend at the time and place appointed for an ordinary meeting shall be entered in the minute book which shall be provided for the purpose.

19. Casual vacancy in member's office. (1) A casual vacancy arises in the office of a member of the Board if he resigns, is removed or vacates his office in any manner prescribed by section 18.

(2) If a casual vacancy occurs in the office of a member of the Board during the currency of his term of appointment another person shall be appointed as a member in accordance with section 16 to fill that vacancy.

The appointment of a person appointed to fill a casual vacancy shall continue and be deemed to continue for as long as the appointment of his predecessor had the casual vacancy not occurred.

(3) For the purpose of such appointment the Minister shall select a person who, in his opinion, is a fit person qualified as prescribed (if the case requires it) to be recommended by him for appointment as a member.

(4) A person appointed to a casual vacancy in the office of chairman of the Board shall, by such appointment, be chairman of the Board.

20. Meetings of the Board. The Board shall hold its first meeting after its first constitution at a time and place appointed by the chairman of the Board and thereafter shall hold its meetings at such times and places as the Board by its resolution appoints and at such other times and places as the Administration Authority directs.

21. Presiding at meetings. (1) The chairman of the Board shall preside at every meeting of the Board at which he is present and in his absence, another member of the Board chosen by the members present at the meeting shall preside.

(2) The member of the Board who presides at a meeting of the Board in the absence of the chairman shall, while he is so acting, have all the powers and authorities of the chairman.

22. Quorum and voting. (1) The quorum of the Board shall consist of nine members of the Board.

No business shall be transacted at a meeting of the Board unless a quorum is present.

(2) Save as is otherwise prescribed by this Act, every decision of the Board and of its members shall be taken by majority vote of the members present at a meeting of the Board at which a quorum is present.

(3) The chairman of the Board shall have a deliberative vote and in the event of an equality of votes shall have a second or casting vote.

(4) A member of the Board who, being present at a meeting of the Board, abstains from voting shall be taken to have voted in the negative.

23. Restrictive employment provisions inapplicable to membership of Board. A provision of an Act that requires an employee to devote the whole of his time to his employment or that prohibits him from engaging in other employment shall not apply so as to prejudice the employee holding office as a member of the Board.

24. Validity of Board's proceedings. A decision of the Board shall not be avoided or prejudiced by reason of the fact that at the time such decision was taken—

- (a) there were vacancies in the membership of the Board not exceeding five;
- (b) there is a defect in the appointment or qualification of any member of the Board.

PART IV—ADMINISTRATION AUTHORITY

25. Minister to be corporation sole. For the purposes of this Act, the Minister and his successors in office shall be a corporation sole by the name "The Brisbane Forest Park Administration Authority" and by that name shall have perpetual succession and an official seal and shall be capable in law of suing and being sued and shall have power to acquire, hold, sell, exchange, hire, lease and let property other than land and, subject hereto, of doing and suffering all such acts, matters and things as bodies corporate may in law do and suffer.

26. Judicial notice of identity etc. of corporation sole. All courts, tribunals and persons acting judicially shall take judicial notice of the Minister for the time being and of his appointment as Minister and of his signature and shall take judicial notice of the official seal of the Administration Authority affixed to any document or writing and, until the contrary is proved, shall presume that such signature or seal was duly affixed to such document or writing.

PART V—ADMINISTRATION OF THE PARK

Division 1—Function and Powers of the Board

27. Functions of the Board. The functions of the Board are—

- (a) to prepare within the period of one year next following its first constitution a comprehensive statement of specific objectives for the planning, development and management of the park for the purpose of recreational use thereof by the public;
- (b) to make from time to time such amendments to the statement of objectives prepared pursuant to paragraph (a) as appear to the Board to be desirable;
- (c) to furnish to the Administration Authority the statement of objectives prepared pursuant to paragraph (a) and a statement of such amendments as are made by the Board to that statement pursuant to paragraph (b);
- (d) to keep under continuous review the planning, development and management of the park and, with respect thereto, to make to the Administration Authority such recommendations as the Board thinks fit;
- (e) to perform such other activities of an investigative or advisory nature as are committed to it by the Administration Authority.

28. Regulation of Board's activities. (1) The discharge by the Board of its functions shall be subject to and in accordance with this section.

(2) Every statement of objectives or amendments and recommendation or report of the Board shall be of an advisory nature for the information and advice of the Administration Authority and shall not bind that authority in any way.

(3) No statement of objectives or amendments or recommendation shall be furnished by the Board to the Administration Authority unless the same has first been submitted to each proprietor of land, which would be affected by implementation of such statement or recommendation, and that proprietor has approved thereof.

Where a proprietor has approved of a statement or recommendation so far as it concerns his land his approval shall be endorsed on or attached to the statement or recommendation when the same is furnished to the Administration Authority.

(4) A resolution of the Board adopting a statement of objectives or amendments or a recommendation or report to be furnished to the Administration Authority, if it is to be effectual, shall be supported by the affirmative vote of all members of the Board who are present at the Board's meeting at which the resolution is taken.

Where a statement, recommendation or report is furnished by the Board to the Administration Authority it shall be presumed, until the contrary is shown, that this subsection has been complied with in respect of that statement, recommendation or report.

Division 2—Functions and Powers of the Administration Authority

29. Functions of Administration Authority. The function of the Administration Authority is to plan, develop and manage the lands forming the park with a view to the recreational use of parts thereof and of the improvements on such parts by the public in a manner and to an extent consistent with the preservation of the lands forming the park and such improvements for their permanent appropriation to such use and for the use by the proprietors of lands forming the park for the purposes for which they hold the same.

30. Allocation of land for public use. (1) With the concurrence of the proprietor of the land in question first had and obtained the Administration Authority may allocate for use by the public land forming part of the park.

Land may be allocated under this section—

- (a) for general recreational use by the public;
- (b) for a specific recreational use by the public; or
- (c) for general recreational use or a specific recreational use in which the public may be permitted to join as participants or as spectators upon payment of a charge or otherwise.

(2) An allocation of land under this section shall be evidenced by a notice in writing given by the Administration Authority to the proprietor of the land.

Such notice shall—

- (a) identify as well as may be the land allocated;
- (b) specify the use to which the land is allocated.

(3) The Administration Authority may at any time terminate an allocation of land under this section by notice in writing, given to the proprietor of the land, revoking the notice whereby the allocation was evidenced.

31. Consequences of allocation of land. (1) Upon the allocation of land to public use and while the land continues to be so allocated—

- (a) members of the public shall be entitled to enter upon and use the land for the recreational use for which it is allocated, and to make use of improvements that are on the land for use in association with that recreational use, subject always to and in accordance with the by-laws of the Administration Authority;
- (b) the Administration Authority shall cause to be erected and maintained in legible condition sufficient signs to inform the public that the land is so allocated and of the use for which it is allocated;

- (c) subject to paragraph (e), the Administration Authority shall, to the exclusion of the proprietor, be deemed to be the occupier of the land and of improvements that are on the land for use in association with recreational use of the land for the purpose of any claim for damages arising from injury suffered by any person on that land while using the land or such improvements for the use for which the land is allocated;
- (d) the Administration Authority may, on such terms and conditions and for such period as it thinks fit, place the land or any part or parts of it under the control of such person or persons or association of persons as it thinks fit, having regard to the use for which the land is allocated and may withdraw such land or any part from such control at any time; and
- (e) if land allocated to public use is placed under the control of any person or persons or association of persons such person or persons or, as the case may be, the appropriate officers of such association shall, to the exclusion of the proprietor, be deemed to be the occupier or occupiers of the land and of improvements that are on the land for use in association with recreational use of the land for the purpose of any claim for damages arising from injury suffered by any person on that land while using the land or such improvements for the use for which the land is allocated.

(2) For as long as there remains erected a sign erected pursuant to subsection (1) that indicates that land is allocated to public use it shall be deemed that the land to which the sign relates is allocated to the use indicated by the sign notwithstanding that the allocation has been duly terminated under this Act.

32. Effect of establishment of park and allocation on proprietor etc.

(1) Neither the proprietor of land forming part of the park nor anyone claiming under him nor a mortgagee or other person purporting to exercise any right in or over the land shall—

- (a) while the land continues to form part of the park, sell or dispose of the land; or
- (b) while the land continues to be allocated to public use—
 - (i) obstruct or hinder entry upon the land by any member of the public for the purpose of using the land and improvements thereon for the use for which the land is so allocated subject to and in accordance with the by-laws of the Administration Authority;
 - (ii) use or permit the use of the land in any way inconsistent with the right of the public to enter upon and use the land and improvements thereon for the use for which the land is so allocated.

(2) Any sale or disposition of land in contravention of subsection (1) and any instrument made to give effect thereto shall be void and of no effect.

(3) If the proprietor of land allocated to public use desires to use the land in a way referred to in paragraph (b) (ii) of subsection (1) he may apply to the Administration Authority either to terminate the allocation of the land or, by by-law of the authority, to prohibit the public from entering upon the land for such period as is necessary to carry out the purpose of the proprietor and upon such an application the Administration Authority shall take all steps necessary to enable the proprietor to effectually use his land accordingly.

33. Improvement of land. Pursuant to arrangement between the Administration Authority and the proprietor of land allocated to public use the authority or proprietor may cause to be erected or made on such land such improvements as are agreed upon by them.

Such improvements shall be erected or made at the expense and shall be and remain the property of the authority or the proprietor, as the case may be, that causes the work to be done.

34. Restrictions on Administration Authority. (1) The Administration Authority shall not cause or permit to be removed from land forming part of the park any soil, growing or fallen timber, material or thing or any substance affixed to the soil or being part of the terrain, other than excess vegetation, except with the approval of the proprietor of the land first had and obtained.

(2) The Administration Authority shall not cause or permit the removal from or destruction on land forming part of the park any fauna of a species native to the park unless such removal or destruction is—

- (a) necessary to cull an excess population of such species; and
- (b) carried out by or under the supervision of officers of the National Parks and Wildlife Service or other body concerned with the protection of wild life.

35. By-laws of Administration Authority. (1) The Administration Authority may from time to time make by-laws not inconsistent with this Act in relation to all or any of the following purposes—

- (a) providing for all matters pertaining to the planning, development and management of the park;
- (b) providing for the management and control of land and property occupied or in the control of the authority;
- (c) protecting land occupied by the authority or allocated to public use and property owned or in the control of the authority from trespass, damage or misuse;
- (d) regulating entry upon, camping, parking or residing in land allocated to public use and providing for ejection therefrom of trespassers and of other persons thereon in circumstances other than in compliance with the by-laws of the authority;
- (e) providing for standards of behaviour to be met by persons on land allocated to public use and the ejection or punishment of persons who do not meet those standards;
- (f) regulating the introduction into the park of drugs, intoxicants, inflammable substances or deleterious substances or dogs, cats or other animals;
- (g) regulating the consumption of food or drink in the park;
- (h) regulating the introduction into or the growing or carrying on land allocated to public use of vegetable matter and providing for the protection and preservation of vegetation growing on such land;
- (i) prohibiting the introduction into, the carrying or using on land forming part of the park any gun, bow, catapult, sling, trap, snare or explosive;

- (j) regulating the dumping or disposal of refuse or litter or abandoned property on land allocated to public use or occupied by the authority;
- (k) providing for protection of fauna within the park whether native or lawfully introduced into the park;
- (l) prohibiting the entry of members of the public on land forming part of the park and not allocated to public use;
- (m) regulating the carrying on of trading and other activities on land allocated to public use or occupied by the authority;
- (n) providing for the engagement and suspension or dismissal of employees of the authority and the powers, authorities and duties of such employees;
- (o) providing for the business practices and accounting procedures to be followed in the conduct of the authority's affairs;
- (p) providing for the payment by members of the public of charges for entry into any part of the park;
- (q) providing for penalties not exceeding \$500 for breaches of the by-laws and providing increased penalties (including daily penalties) for successive breaches of the by-laws;
- (r) providing for all matters for which it is necessary or desirable to provide to achieve the objects and purposes of the declaration of the park.

For the purposes of this Act the power to regulate by way of by-law includes the power to prohibit.

- (2) A by-law shall not have any force or effect unless it is—
 - (a) sealed with the seal of the Administration Authority;
 - (b) approved by the Governor in Council; and
 - (c) published in the Gazette.

A copy of the Gazette containing notification of the approval of a by-law by the Governor in Council shall, upon its production in any proceeding, be sufficient evidence until the contrary is shown that such by-law was duly made, sealed and approved as is provided in this subsection and that such by-law is at the date of such production still in force.

- (3) Where a by-law of the Administration Authority provides for payment of a charge to be paid by members of the public for entry into any part of the park the amount of such charge shall be fixed from time to time by the authority and approved by the Governor in Council.

36. Publication of by-laws in park. The Administration Authority shall cause notices containing such portions of its by-laws as are relevant to the purpose of the notice to be displayed in such locations in the park as in the authority's opinion will bring those portions of the by-laws to the knowledge of members of the public who use land allocated to public use.

Division 3—Affairs of Administration Authority

37. Secretary of Administration Authority. (1) The Secretary, Land Administration Commission, from time to time shall also be Secretary of the Administration Authority.

(2) All writs, processes and documents to be served on the Administration Authority shall be so served by leaving the same or a copy thereof with the Secretary.

(3) Any document or writing to be made or given by the Administration Authority shall be sufficiently made or given if it is under the hand of the Secretary.

38. Authorization of post. All documents and writings to be given to the Administration Authority may be given by post addressed to the Secretary at the Department of Lands at Brisbane.

39. Engagement of employees. The Administration Authority may engage such officers, rangers and other employees as in its opinion are required for the proper planning, development and management of the park.

Subject to all applicable industrial awards and agreements the engagement of employees by the authority shall be on such terms and conditions as the Governor in Council approves.

40. Funds of Administration Authority. (1) There shall be established and kept at the Queensland Treasury a fund in the name "Brisbane Forest Park Fund".

(2) There shall be paid into the fund provided for by subsection (1)—

(a) all moneys appropriated by Parliament to the purposes of the Administration Authority;

(b) all moneys received by the Administration Authority by way of recoupment, contribution or donation for the purposes of the planning, development or management of the park;

(c) all moneys received by the Administration Authority by way of rentals, charges or penalties in connexion with its management of the park or the enforcement of this Act or the by-laws of the authority;

(d) all other moneys received by the Administration Authority in connexion with its management of the park and its property.

(3) There shall be paid from the fund provided for by subsection (1) all expenditure properly incurred by the Administration Authority for the purposes of or in connexion with the planning, development or management of the park, or the enforcement of this Act or the by-laws of the authority.

41. Accounts and audit. (1) Until the commencement of the *Financial Administration and Audit Act 1977* the Administration Authority shall cause to be established and kept such accounts as are directed by the Treasurer to be kept, which accounts shall be audited at least once in each year by the Auditor-General or a person nominated by him in accordance with the *Audit Act 1874-1968*.

(2) On and from the commencement of the *Financial Administration and Audit Act 1977*—

- (a) that Act shall apply to and in respect of the Administration Authority, its employees and accounts; and
- (b) the appropriate provisions of that Act shall apply in respect of money and property vested in the Administration Authority, having regard to the nature and description of such money and property,

as if the authority were a statutory corporation representing the Crown.

(3) Unless and until the Governor in Council by Order in Council prescribes differently, the accounts of the Administration Authority shall be kept as part of the accounts of the Department of Lands.

PART VI—GENERAL PROVISIONS

42. Effect on town planning powers. (1) The *City of Brisbane Town Planning Act 1964-1977* and section 33 of the *Local Government Act 1936-1977* shall be read subject to this section.

(2) If a town planning scheme, when approved by the Governor in Council, would include land that forms part of the park then before the Governor in Council approves of such scheme there shall be produced to him evidence that the Administration Authority approves of the zoning of such land under the scheme.

(3) If an amendment of the Town Plan for the City of Brisbane or of a town planning scheme, when approved by the Governor in Council, would affect land that forms part of the park by—

- (a) changing the zoning of such land under the plan or scheme;
- (b) excluding such land from one zone and including it in another zone under the plan or scheme; or
- (c) changing the conditions governing use of such land in the zone in which it is included under the plan or scheme,

then before the Governor in Council approves of such amendment there shall be produced to him evidence that the Administration Authority approves of the amendment.

43. Liability for rates etc. excluded. Rates, taxes and other like charges shall not be made, levied or assessed in respect of land that forms part of the park unless the land is at the material time leased or let to or is otherwise in the occupation of a person other than the Administration Authority or a proprietor for any purpose or, in the case of land allocated to public use, for any purpose other than a recreational use for which the land is so allocated.

44. Administration Authority to be informed of leases etc. Where a proprietor of land that forms part of the park or any person claiming under him leases or lets the same or any part thereof, creates an encumbrance over the same or any part thereof or grants any right in or over the same or any part thereof he shall forthwith inform the Administration Authority in writing of the fact.

45. Nature of occupier's duty to visitors on park. (1) The duty owed by the Administration Authority as occupier pursuant to this Act of land that forms part of the park and that is allocated to public use to a person who is on such land as a member of the public shall be determined in accordance with the following provisions:—

- (a) if such person is on land which or the use of which is not the subject of by-laws of the authority, he shall be taken to be on that land as a licensee;
- (b) if such person is on land which or the use of which is the subject of by-laws of the authority—
 - (i) if he is on that land and is using the same in accordance with the by-laws he shall be taken to be on that land as a licensee;
 - (ii) if he is on that land or is using the same otherwise than in accordance with the by-laws he shall be taken to be on that land as a trespasser.

(2) A person who is on land that forms part of the park but that is not allocated to public use shall be taken to be on that land as a trespasser unless he shows that he is there on the invitation or licence of the proprietor or lawful occupier of that land.

46. Seizure of property. (1) A member of the Police Force or a person authorized in writing by the Secretary of the Administration Authority, either generally or in a particular case, may seize, remove and detain or cause to be removed and detained any property, which is found in the park and which—

- (a) is at a place therein in contravention of the by-laws of the authority; or
- (b) is being used or is suspected by such person of having been used in contravention of the by-laws of the authority; or
- (c) is or is suspected or believed by such person to be abandoned property.

(2) When property seized pursuant to subsection (1) is, at the time of seizure, in the physical possession or control of any person the person making the seizure shall give to the person in such possession or control a notice in writing of the seizure, which shall sufficiently describe the property seized as to allow of its identification.

When property seized pursuant to subsection (1) is not, at the time of seizure, in the physical possession or control of any person the person making the seizure, except where he suspects or believes the property to be abandoned property, shall cause reasonable inquiry to be made to ascertain the owner of or other person having an interest in the property and shall give to such owner or other person notice in writing of the seizure, which shall sufficiently describe the property seized as to allow of its identification but if after reasonable inquiry an owner or such other person is not ascertained the person making the seizure shall cause such notice in writing to be displayed in a public and conspicuous place at the office of the clerk of the magistrates court in the district in which the property was seized and a copy of such notice to be displayed at the office of the Secretary of the Administration Authority.

(3) Property, other than property suspected or believed to be abandoned property, seized pursuant to subsection (1) may be detained for a period of 3 months or until the final determination (including the determination of any appeal therein, if any) of proceedings taken within that period in relation to the property, whichever period is the greater.

Property seized pursuant to subsection (1) that is suspected or believed by the person making the seizure to be abandoned property may be disposed of at any time in such manner as the Secretary of the Administration Authority directs and, if sold, the proceeds shall be disbursed as provided for in subsection (6).

(4) At any time when property seized pursuant to subsection (1) is being detained under the authority of this section the owner or other person claiming a proprietary interest therein may apply to a Magistrates Court constituted under the *Justices Act 1886-1977* having jurisdiction at the place where the property is detained for an order that the property be returned to him.

Notice of such application shall be given to the Administration Authority.

(5) If the court that hears an application under subsection (4) is satisfied that—

(a) the applicant has an interest in the property detained that should be protected; and

(b) the property is not required to be further detained for the purpose of legal proceedings or other lawful purpose,

it may make such order as to the court seems just, but if it is not so satisfied it shall strike out the application and make such order as to costs as it thinks fit.

(6) If an order is made under subsection (5) all persons concerned shall take all steps necessary to give effect to it but if no such order is duly made and the time for which property seized pursuant to subsection (1) may be detained has expired the property detained may be sold or otherwise disposed of as the Secretary of the Administration Authority directs and, if sold, the proceeds shall be paid into the Brisbane Forest Park Fund after the expenses of the sale (if any) have been paid therefrom.

47. Forfeiture by court. (1) When a person is convicted of an offence against the by-laws of the Administration Authority the court that convicts him may, if it thinks fit, order that property by reason of which the offence was committed and that has been seized pursuant to section 46 (1) be thereby forfeited to the Administration Authority.

(2) Property forfeited may be disposed of in such manner as the Secretary of the Administration Authority directs and, if sold, the proceeds shall be disbursed as provided for in section 46 (6).

48. Certain land in park to be public place. Land that forms part of the park and that is allocated to public use shall, while it continues to be so allocated, be taken to be a public place for the purpose of the operation therein of any law that applies in relation to a public place or anything in a public place or to the doing of any act in a public place.

49. Protection of Administration Authority etc. Save in any case where and to the extent that an occupier of land that forms part of the park is liable to compensate a person injured while on the land, no liability shall be incurred by the Administration Authority, its Secretary, a proprietor of land that forms part of the park or any person acting under the authority of any of them on account of anything done or omitted for the purposes of this Act or of the development and management of the park or done in good faith and purporting to be for the purposes of this Act or of the development and management of the park.

[s. 5 (1)]

FIRST SCHEDULE
LAND HELD IN FEE-SIMPLE BY BRISBANE CITY COUNCIL
LAKE MANCHESTER AREA

Description	Area		Title Reference	Volume	Folio
	A.	R. P.			
<i>Parish of Sahl—</i>					
Portion 50	200	0 0	80956 D/G	873	216
Portion 60	80	0 0	80955 D/G	873	215
Portion 55	120	0 0	72433 D/G	735	193
Portion 51	160	0 0	70499 D/G	710	9
Portion 7v	52	3 25	111070 D/G	1547	80
Portion 52	160	0 0	70556 D/G	710	66
Portion 56	100	0 0	70557 D/G	710	67
Portion 46	160	0 0	67361 D/G	653	121
	(Ex. 8	1 0, R.R.)			
Portion 38	325	0 0	77857 D/G	829	117
Portion 21	140	0 0	58087 D/G	531	97
	(Ex. 4	0 0, R.R.)			
Portion 59	146	0 0	77652 D/G	821	162
	(Ex. 8	2 19, R.R.)			
Portion 35	77	0 0	77651 D/G	821	161
Portion 58	70	0 0	72761 D/G	745	21
	(Ex. 3	0 2, R.R.)			
Portion 34	79	0 0	88794 D/G	995	54
Portion 54	80	0 0	70480 D/G	704	240
	(Ex. 6	0 0, R.R.)			
Portion 43	89	2 0	104693 D/G	1313	203
Portion 37	508	0 0	62376 D/G	589	136
	(Ex. 16	0 0, R.R.)			

FIRST SCHEDULE—continued
LAKE MANCHESTER AREA—continued

Description	Area			Title Reference	Volume	Folio
	A.	R.	P.			
<i>Parish of Sahl—continued</i>						
Portion 28	639	2	0	104694 D/G	1313	204
	(Ex. 5	0	0, R.R.)			
Portion 57	80	1	32	70342 D/G	704	102
Portion 47	160	1	20	103227 D/G	1265	237
	(Ex. 3	0	0, R.R.)			
Subdivision 1 of portion 13	113	2	28	212259 C/T	1245	249
<i>Parish of Kholo—</i>						
Portion 98	204	0	0	75873 D/G	792	133
Portion 97	200	0	0	63266 D/G	600	26
Portion 114	400	0	0	79699 D/G	858	209
	(Ex. 11	0	0, R.R.)			
Portion 4v	87	2	18	107489 D/G	1413	249
Portion 92	50	0	0	79810 D/G	862	70
Portion 78	150	0	0	82502 D/G	893	12
Portion 80	219	2	0	82501 D/G	893	11
Portion 107	51	2	24	72296 D/G	735	56
Subdivision 2 of portion 101	29	2	24	232046 C/T	1337	36
Subdivision 3 of portion 101	197	0	0	232047 C/T	1337	37
Portion 103	137	0	0	104696 D/G	1313	206
	(Ex. 4	1	35, R.R.)			
Portion 109	30	0	0	77659 D/G	821	169
	(Ex. 1	1	9, R.R.)			
Portion 119	80	0	0	104705 D/G	1313	215
	(Ex. 1	2	26, R.R.)			

FIRST SCHEDULE—continued
LAKE MANCHESTER AREA—continued

Description	Area		Title Reference	Volume	Folio
	A.	P.			
<i>Parish of Kholo—continued</i>					
Portion 108	50	0	104709 D/G	1313	219
	(Ex. 1	3			
	158	2			
	597	3			
Portion 99		34	104695 D/G	1313	205
Subdivision 8 of portion 100		21.7	230905 C/T	1331	145
Subdivision 1 of portion 100	1	0	230903 C/T	1331	143
Subdivision 4 of portion 100	18	2	230904 C/T	1331	144
Portion 18v	57	0	95174 D/G	1098	184
	(Ex. 3	1			
	40	0			
Portion 96		0	80024 D/G	865	34
	(Ex. 3	0			
	154	0			
Portion 1v		0	91305 D/G	1037	65
	(Ex. 5	3			
	137	0			
Portion 16A	169	3	46317 D/G	418	77
Subdivision 1 of portion 13A	7	3	104702 D/G	1313	212
Subdivision 2 of portion 13A	14	3	104703 D/G	1313	213
Subdivision 3 of portion 13A	79	2	104704 D/G	1313	214
Subdivision 1 of portion 12A	10	3	104700 D/G	1313	210
Subdivision 2 of portion 12A	275	2	104701 D/G	1313	211
Portion 17A	60	0	104699 D/G	1313	209
Subdivision 8 of portion 73	384	2	159536 C/T	976	26
Portions 14v and 17v ..	164	0	111174 D/G	1547	184
Portion 14A	193	3	104697 D/G	1313	207
Portion 15A	77	3	104698 D/G	1313	208
Portion 2A	158	2	103228 D/G	1265	238
Subdivision 2 of portion 1A and subdivision 1 and 2 of portion 73		16	348866 C/T	1857	106
Resubdivision 1 of subdivision 7 of Portion 73	314	0	230981 C/T	1331	211

FIRST SCHEDULE—continued
LAND HELD IN FEE-SIMPLE BY BRISBANE CITY COUNCIL
GOLD CREEK RESERVOIR

Description	Area			Title Reference	Volume	Folio
	A.	R.	P.			
<i>Parish of Indooroopilly—</i>						
Portion 241	200	0	0	41514 D/G	376	24
	(Ex. 7	0	0, R.R.)			
Portion 239	376	2	0	38611 D/G	349	121
	(Ex. 8	0	0, R.R.)			
Portion 312	110	0	0	45894 D/G	414	154
Portion 240	91	0	20	40959 D/G	369	219
Portion 242	79	2	31	63990 C/T	434	220
Portion 281	417	3	20	52432 D/G	472	192
Portion 264	63	1	0	49106 D/G	445	116
Portion 236	100	0	0	63979 C/T	434	209
	(Ex. 1	0	0, R.R.)			
Portion 235	200	0	22	49107 D/G	445	117
	(Ex. 1	0	22, R.R.)			
Portion 279B	14	3	27	53501 D/G	483	11
Portion 272A	12	2	30	54642 D/G	493	152

FIRST SCHEDULE—*continued*
 LAND HELD IN FEE-SIMPLE BY BRISBANE CITY COUNCIL
 BETWEEN GOLD CREEK RESERVOIR AND MT COOT-THA

Description	Area	Title Reference	Volume	Folio
	A. R. P.			
<i>Parish of Indooroopilly</i> —				
Subdivision 2 of portion 289	81 2 37	391367 C/T	2051	207
Subdivision 1 of portion 289	6 1 3	317100 C/T	1712	90
Portion 236A	198 1 11	347907 C/T	1852	147
Portion 241A	72 0 0	347080 C/T	1849	70
Subdivision 2 of portion 287 and subdivision 3 of portion 269	511 3 22.7	377432 C/T	1990	22
Subdivision 1 of portion 287 and subdivision 4 of portion 269	119 2 15.3	377433 C/T	1990	23
Portion 270 ..	40 2 20	698505 C/T	3341	245

FIRST SCHEDULE—continued
LAND HELD IN FEE-SIMPLE BY BRISBANE CITY COUNCIL
MT COOT-THA

Description	Area			Title Reference	Volume	Folio
	A.	R.	P.			
<i>Parish of Enoggera—</i>						
Subdivision 2 of portion 823	106	0	37.5	113499 C/T	728	239
Portion 1101	42	387	5 ha		5593	215
Portion 1102 and subdivision 3 of portion 679	388	1	17.5		4212	213
Subdivision 2 of portion 685, subdivision 25 of portions 679, 679A and 681	132	0	31	316048 C/T	1708	38
Subdivision 11 of portion 824	0	1	0	305444 C/T	1662	184
Resubdivision 2 of subdivision 24 of portion 824	0	1	11.3		3765	102
Subdivision 50 of portions 140 and 824	0	2	8	305431 C/T	1662	171
Subdivision 51 of portions 140 and 824	0	2	0	305433 C/T	1662	173
Portion 834A	5	1	33	315889 C/T	1707	129
Portion 833A	7	1	23	25360 D/G	210	120
Portion 832A	6	2	0	166836 C/T	1014	76
Portion 831A	5	2	0	23723 D/G	187	233
Portion 830A	4	3	0	23300 D/G	184	60
Portion 865	10	0	0	42844 C/T	289	96
Portion 866	10	0	0	42829 C/T	289	81
Portion 867	10	0	0	42546 C/T	288	48
Portion 865A	5	1	24	43861 C/T	295	113
Portion 866B	2	0	16	136473 C/T	848	213
Portion 867A	3	0	21	40054 D/G	362	64
Portion 866A	8	3	14	43225 C/T	291	227

FIRST SCHEDULE—continued

MT COOT-THA—continued

Description	Area		Title Reference	Volume	Folio
	A.	R. P.			
<i>Parish of Enoggera—continued</i>					
Subdivision 1 of suburban portion 868 ..	0	0 30.7	124815 C/T	788	55
Subdivision 2 of suburban portion 868 ..	0	0 22.3	126397 C/T	797	137
Subdivision 3 of suburban portion 868 ..	0	0 24.1	302714 C/T	1650	204
Subdivisions 4 and 5 of suburban portion 868	0	1 15.3	121166 C/T	768	156
Subdivisions 6, 7 and 8 of suburban portion 868	0	2 4.9	132536 C/T	828	26
Subdivisions 9 to 15 of suburban portion 868	1	0 7.4	140518 C/T	872	8
Subdivision 16 of suburban portion 868	0	0 34.2	118685 C/T	755	175
Subdivision 17 of suburban portion 868	0	1 5	140519 C/T	872	9
Subdivision 18 of suburban portion 868	0	1 21	118686 C/T	755	176
Subdivision 19 of suburban portion 868	2	1 11	140520 C/T	872	10
Subdivisions 20 and 21 of suburban portion 868	4	2 0	140521 C/T	872	11
Subdivision 1 of portion 679 ..	5	0 0	249237 C/T	1412	227
Subdivision 2 of portion 679 ..	5	3 0.9	316501 C/T	1709	241

FIRST SCHEDULE—continued

LAND HELD IN FEE-SIMPLE BY BRISBANE CITY COUNCIL UPON TRUST

Description	Area	Title Reference	Volume	Folio
<i>Parishes of Enoggera and Indooroopilly—</i>	A. R. P.			
Subdivision 1 of portion 55 (Reserve 476)	1 501 1 23.1	C/T	3581	51
Portion 1079	1 3 10	D/G	4151	145

LAND RESERVED AND SET APART PURSUANT TO THE LAND ACT 1962-1975 AND UNDER THE CONTROL OF BRISBANE CITY COUNCIL

Description	Area	Title Reference	Volume	Folio
<i>Parish of Moggill—</i>				
Reserve 499	184 ha (approximately)	..	..	..
<i>Parish of Enoggera—</i>				
Reserve 1468	358 ha (approximately)	..	..	..
<i>Parish of Indooroopilly—</i>				
Reserve 498	40.469 ha (approximately)	..	..	..
Reserve 1842	8.903 ha	..	..	..
<i>Parishes of Sahl and Kholo—</i>				
Reserve 1017	57.9 ha (approximately)	..	..	..

FIRST SCHEDULE—continued
LAND RESERVED AND SET APART PURSUANT TO THE LAND ACT 1962-1975 UNDER NO SPECIFIC CONTROL

Description	Area	Title Reference	Volume	Folio
<i>Parish of Samford</i> — Reserve 2841	15.1 ha	..	..	..

LAND SET APART AND DECLARED AS NATIONAL PARK PURSUANT TO THE FORESTRY ACT 1959-1976

Description	Area	Title Reference	Volume	Folio
<i>Parishes of Samsomvale and Parker</i> — Maiala National Park 796	1 130 ha (approximately)	..	..	..
<i>Parish of Samford</i> — Manorina National Park 1327	139.2 ha (approximately)	..	..	..
Jolly's Lookout National Park 1437	11.53 ha (approximately)	..	..	..
<i>Parish of Sahl</i> — Boombana National Park 1544	37.57 ha (approximately)	..	..	..

FIRST SCHEDULE—continued
LAND SET APART AND DECLARED AS STATE FOREST PURSUANT TO THE FORESTRY ACT 1959-1976

Description	Area	Title Reference	Volume	Folio
<i>Parishes of Dundas, Burnett, Parker, Sahl and Kholo—</i>				
State Forest 1355	9 740 ha (approximately)	..	..	..
<i>Parishes of Samford, Enoggera and Indooroopilly—</i>				
State Forest 309	3 157 ha (approximately)	..	..	..
State Forest 1526	571 ha (approximately)	..	..	..
<i>Parishes of Bunya and Samford—</i>				
State Forest 1376	619 ha (approximately)	..	..	..

Parishes of Dundas and Samsonvale—

That part of State Forest 809 lying east of a line commencing at the intersection of a road (shown on forestry maps as the Northbrook Road) and portion 4v Parish of Dundas and thence by that road generally north-easterly to Forestry Survey Station TD 37 on the D'Aguilar Range forestry road, thence by that road generally easterly to Forestry Survey Station S 13, thence by the forestry "S" traverse generally northerly to the southern corner of portion 178 Parish of Samsonvale, containing 3 460 ha (approximately).

