

Queensland



ANNO TRICESIMO SEPTIMO

ELIZABETHAE SECUNDAE REGINAE



No. 61 of 1988

**An Act to amend the Brisbane Forest Park Act 1977-1981
in certain particulars**

[ASSENTED TO 6TH OCTOBER, 1988]

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:—

1. Short Title. This Act may be cited as the *Brisbane Forest Park Act Amendment Act 1988*.

2. Citation. (1) In this Act the *Brisbane Forest Park Act 1977-1981* is referred to as the Principal Act.

(2) The Principal Act as amended by this Act may be cited as the *Brisbane Forest Park Act 1977-1988*.

3. Amendment of s. 4. Interpretation. Section 4 of the Principal Act is amended by—

(a) omitting the definition “Minister” and substituting the following definition:—

““Minister” includes any person who for the time being is performing the duties of the Minister;”;

(b) in the definition “proprietor”—

(i) in paragraph (a) inserting after the word “Minister” the words “for Land Management”;

(ii) in provision (ii) of paragraph (c) inserting after the word “Minister” the words “for Land Management”;

(c) in the definition “recreational use” inserting after the word “sporting” the words “, educational or tourism”.

4. Amendment of s. 13. Members of Board. Section 13 of the Principal Act is amended by—

(a) in the table to paragraph (b) of subsection (1) omitting the words “The Arts, National Parks and Sport” and substituting the words “Environment, Conservation and Tourism”;

(b) in subsection (2) omitting the words “The Arts, National Parks and Sport” and substituting the words “Environment, Conservation and Tourism”.

5. Amendment of s. 28. Regulation of Board's activities. Section 28 of the Principal Act is amended by, in subsection (4)—

(a) omitting the word “all” and substituting the words “a majority of the”;

(b) after the word “taken” inserting the words “and such majority shall include all the members who represent proprietors of land comprised in the park”.

6. **New s. 33A.** The Principal Act is amended by inserting after section 33 the following section:—

“33A. Erection of improvements generally. (1) Subject to subsection (2), the Administration Authority may cause to be erected or made on any land forming part of the park which has not been allocated to public use such improvements as are necessary or incidental for the administrative purposes of the Administration Authority.

Such improvements shall be erected or made at the expense and shall be and remain the property of the Administration Authority.

(2) The Administration Authority shall before causing to be erected or made on land referred to in subsection (1) any improvements, obtain the consent of the proprietor of the land to the erection or making of the proposed improvements thereon.”.

7. **Amendment of s. 35. By-laws of Administration Authority.** Section 35 of the Principal Act is amended by—

(a) after paragraph (d) inserting the following paragraph:—

“(da) regulating the activities including fishing, swimming, diving and boating which may be carried out on or in any lake, reservoir, dam or other body of water whether occurring naturally or artificially constructed on any lands forming the park;”;

(b) in paragraph (e) omitting the words “land allocated to public use” and substituting the words “lands forming the park”;

(c) in paragraph (j) omitting the words “land allocated to public use or occupied by the authority” and substituting the words “lands forming the park”;

(d) in paragraph (l) omitting the word “prohibiting” and substituting the word “regulating”;

(e) in paragraph (m) omitting the words “land allocated to public use or occupied by the authority” and substituting the words “lands forming the park”;

(f) after paragraph (n) inserting the following paragraph:—

“(na) providing for the authorization of persons, other than employees of the authority to enforce by-laws of the authority and the powers, authorities and duties of such authorized persons;”;

(g) in paragraph (p) inserting after the word “into” the words “or being upon”;

(h) in paragraph (q) omitting the expression “\$500” and substituting the expression “\$1 000”.

8. Amendment of s. 37. Secretary of Administration Authority. Section 37 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:—

“(1) There shall be a Secretary of the Administration Authority.

A person may hold the office of Secretary in conjunction with any other office he holds within the public service of Queensland.”;

9. Amendment of s. 38. Authorization of post. Section 38 of the Principal Act is amended by omitting the words “Department of Lands at Brisbane” and substituting the words “department through which the Minister administers this Act”.

10. Amendment of s. 41. Accounts and audit. Section 41 of the Principal Act is amended by, in subsection (3), omitting the words “Department of Lands” and substituting the words “department through which the Minister administers this Act”.

11. Amendment of s. 45. Nature of occupier’s duty to visitors on park. Section 45 of the Principal Act is amended by, in subsection (2), inserting after the word “proprietor” the words “, the Administration Authority”.