

# LEGISLATIVE ASSEMBLY

Read 1° 9 September, 1975.

(Brought in by Mr. Borthwick and Mr. Balfour.)

## A BILL

To make provision with respect to Zoological Parks, to amend the *Zoological Gardens Act* 1967, to amend the *Ministry for Conservation Act* 1972 and for other purposes.

**BE** it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

1. (1) This Act may be cited as the *Zoological Gardens (Amendment) Act* 1975 and shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*.

Short title and commencement.

10 (2) In this Act the *Zoological Gardens Act* 1967 is called the Principal Act.

Principal Act No. 7518. Amended by Nos. 8181, 8392, 8599.

2. After section 4 of the Principal Act there shall be inserted the following sections :—

Amendment of No. 7518. New sections inserted.

15 4A. (1) The Governor in Council may by Order published in the *Government Gazette* declare any land having an area of not more than four hundred hectares which is vested in the Crown and reserved (either temporarily or permanently) under the *Land Act* 1958 as a site for a zoological park or as a State wildlife reserve within the meaning of the *Wildlife Act* 1975 to be a zoological park to which this Act applies.

Power to Governor in Council to declare land to be zoological park.

(2) From and after the making by the Governor in Council of any Order pursuant to sub-section (1) the land in respect of which the Order was made shall be administered by the Board as a zoological park under and subject to this Act.

(3) The Governor in Council may in like manner vary or revoke an Order made pursuant to sub-section (1). 5

Powers of Board.

4B. (1) Where the control and administration of any zoological park by this Act or any Order by the Governor in Council vested in the Board was immediately before the commencement of the *Zoological Gardens (Amendment) Act 1975* or the making of the Order (as the case may be) vested in any body— 10

(a) the Board shall have and be deemed to have and may exercise in relation to any zoological park all the powers conferred and the duties imposed by any Act regulation or other instrument or document on the body for the time being administering the same and the Board shall be deemed in all respects to be the successor in title of that body ; 15

(b) where any thing has been commenced by or under the authority of the body for the time being administering any zoological park such thing may be carried on or completed by or under the authority of the Board ; 20

(c) where before the commencement of the *Zoological Gardens (Amendment) Act 1975* or the making of any Order in respect of any zoological park any contract was entered into or any persons employed or any policy of insurance taken out or any legal proceedings power right obligation or liability commenced granted conferred given exercised accrued suffered or incurred by or under the authority of or against the body for the time being administering the zoological park or by or against any member of the body upon his behalf the Board may perform the contract or employ or continue to employ the persons or may continue any policy of insurance or may continue exercise or suffer or continue to exercise or suffer any legal proceeding power right obligation or liability by or against the body as if it were the body in question; 25 30 35

(d) in any act judgment decree order award deed contract regulation by-law or other instrument or document passed or made before or after the commencement of the *Zoological Gardens (Amendment) Act 1975* a reference to the body for the time being administering any zoological park (whether the body is referred to by its name or otherwise) shall be read and construed as a reference to the Board ; 40 45

(e) any

(e) any personal property vested in or under the administration and control of the body for the time being administering any zoological park shall from and after the commencement of the *Zoological Gardens (Amendment) Act 1975* or the making of an Order in respect of the zoological park (as the case may be) be transferred to and vested in the Board which shall administer the property under and subject to this Act and the Board shall have in relation thereto all the powers which the body could have exercised in relation to that property had it not been so transferred to the Board.

(2) In this section—

“Body” means a person or group of persons trustee or trustees board committee municipality authority corporation or other body in which the administration and control of any Crown land is vested and includes a committee of management (whether corporate or unincorporate) appointed under the *Land Act 1958* in relation to any land.

“Personal property” means in relation to any zoological park any buildings improvements cages enclosures wildlife plants trees and any other personal property whatsoever on or in or acquired by the body for the time being administering the zoological park for the purposes of or used or intended to be used for or in relation to any zoological park.

4C. From and after the commencement of the *Zoological Gardens (Amendment) Act 1975* the Director of the Zoological Gardens shall be called the Director of Zoological Parks and Gardens.’

Change of name of Director of Zoological Gardens.

3. In section 3 of the Principal Act the interpretation of “Zoological Gardens” shall be repealed and the following interpretation shall be inserted :—

Amendment of No. 7518 s. 3.

“Zoological parks” means the zoological parks existing upon the lands described in the Schedules and any land declared to be a zoological park or parks by Order of the Governor in Council.’

“Zoological parks.”

4. Section 4 of the Principal Act is hereby amended as follows:—

Amendment of No. 7518 s. 4.

(a) In sub-section (3) for the words “shall not apply to the land described in the Schedule to this Act but the land and the Zoological Gardens thereon” there shall be substituted the words “shall not apply to zoological parks but zoological parks” ;

(b) After

(b) After sub-section (3) there shall be inserted the following sub-sections :—

“(4) Subject to this Act the Board shall be responsible to the Minister for Conservation.

(5) The Board shall be responsible for the administration and control of zoological parks.” 5

Amendment of  
No. 7518 s. 13.

5. Section 13 of the Principal Act shall be amended as follows:—

(a) After paragraph (b) of sub-section (1) the word “ and ” shall be repealed ;

(b) After paragraph (c) of sub-section (1) there shall be inserted the following paragraphs :— 10

“(d) the protection preservation management and care of wildlife ; and

(e) the protection or preservation of wildlife habitat including native plants and trees.” ; 15

(c) After paragraph (f) of sub-section (2) there shall be inserted the following paragraphs :—

Closure of parks  
to the public.

‘(g) the closure to the public of such part or parts of any zoological park or parks as the Board considers necessary having regard to the purposes for which the zoological parks are maintained pursuant to this Act ; 20

Pasturage of  
cattle.

(h) subject to sub-section (1) the granting of a permit to any person to enter upon any zoological park with cattle sheep or other animals and to depasture them thereon upon such terms and conditions as the Board determines ; 25

Insurance.

(i) insuring against any legal liability to the public which the Board may incur in or which may arise out of the performance of the functions of the Board ; 30

Impounding  
of cattle.

(j) impounding any cattle trespassing upon any zoological parks and for that purpose the Board shall be deemed to be the occupier of such zoological park within the meaning of section 5 of the *Pounds Act* 1958 and the word “ cattle ” shall have the same meaning as in section 3 of the *Pounds Act* 1958.’ ; 35

(d) After sub-section (4) there shall be inserted the following sub-sections :— 40

‘(5) The word “ occupier ” in section 5 of the *Fences Act* 1958 shall in relation to zoological parks be deemed to include the Board.

(6) Notwithstanding

(6) Notwithstanding anything to the contrary in the *Fences Act* 1968 the occupier of land adjoining any zoological park shall not be required to contribute towards the cost of constructing or repairing any dividing fence constructed by the Board.;

(e) In sub-section (1) for the words "the Zoological Gardens" there shall be substituted the words "the zoological parks".

6. Section 17 of the Principal Act is hereby amended as follows:— Amendment of No. 7518 s. 17.

(a) After paragraph (e) there shall be inserted the following paragraphs:—

"(ea) subject to this Act any other purpose in relation to any zoological park which is reasonable; and

(eb) extending or applying all or any of the regulations made under the foregoing provisions of this sub-section in relation to any zoological park for all or any of the purposes referred to in sub-section (1) of section 13 where such land is not described in the Schedules to this Act and is not the subject of an order by the Governor in Council made pursuant to this Act but is under the administration and control of the Board;" ; and

(b) For the words "the Zoological Gardens" (wherever appearing) there shall be substituted the words "the zoological parks".

7 After section 17 of the Principal Act there shall be inserted the following section:— Amendment of No. 7518. New section inserted.

"17A. Any regulation made pursuant to section 17 may confer or impose upon the Board or upon any officer servant or committee of the Board such powers functions authorities and duties as are considered necessary or expedient for the purposes of such regulation."

8. The Principal Act is hereby amended as follows:— Amendment of No. 7518.

(a) In sub-section (1) of section 11 for the words "the Director of the Zoological Gardens" there shall be substituted the words "the Director of Zoological Parks and Gardens";

(b) In sub-section (2) of section 14 for the words "the Zoological Gardens" there shall be substituted the words "the zoological parks";

(c) In

(c) In sub-section (1) of section 15 for the words "the Zoological Gardens" there shall be substituted the words "the zoological parks";

(d) In section 18 for the words "the Zoological Gardens" there shall be substituted the words "the zoological parks". 5

Amendment of  
No. 7518.  
New Schedule  
inserted.

9. After the First Schedule to the Principal Act there shall be inserted the following Schedule :—

"SECOND SCHEDULE.

Werribee—in the State of Victoria.  
Site for Werribee Fauna Park."

Amendment of  
No. 8364 as  
amended by  
No. 8656.

10. In Part I. of the Schedule to the *Ministry for Conservation Act 1972* after the expression "*National Parks Act 1970 No. 8083*" there shall be inserted the following expression :— 10

"*Zoological Parks and Gardens Act 1967*

No. 7518."

Citation of  
legislation  
relating to the  
administration  
and control of  
Zoological  
Parks and  
Gardens.

11. (1) In sub-section (1) of section 1 of the *Zoological Gardens Act 1967* for the expression "*Zoological Gardens Act 1967*" there shall be substituted the expression "*Zoological Parks and Gardens Act 1967*". 15

(2) In any proclamation, appointment, Order in council, order, rules, regulations, statute, application, legal proceeding, instrument, document or writing of any kind whatsoever, a reference to the *Zoological Gardens Act 1967* shall be read and construed as a reference to the *Zoological Parks and Gardens Act 1967*. 20



THE UNIVERSITY OF CHICAGO

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