

# National Parks (Amendment) Act 1989

No. 38 of 1989

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Victoria

No. 38 of 1989

## National Parks (Amendment) Act 1989

[Assented to 6 June 1989]

The Parliament of Victoria enacts as follows:

### PART 1—GENERAL

#### Purpose

1. The purposes of this Bill are—
  - (a) to make provision for wilderness parks and State parks; and
  - (b) to make provision for the prohibition of new mining activities in national parks, State parks and wilderness parks;
  - (c) to create new parks and make alterations to existing parks; and
  - (d) to make other amendments to the *National Parks Act 1975* and to amend certain other Acts.

**Commencement**

2. (1) Section 24 is deemed to have come into operation on 18 September 1988.

(2) Section 27 (1) is deemed to have come into operation on 17 June 1986.

(3) Section 37 is deemed to have come into operation on the day on which section 7 of the *National Parks and Wildlife (Amendment) Act 1988* came into operation.

(4) The rest of this Act comes into operation on a day or days to be proclaimed.

**Principal Act**

3. In this Act, the *National Parks Act 1975* is called the Principal Act.

No. 8072.  
Reprinted to  
No. 52/1988.

**PART 2— WILDERNESS PARKS****Amendment of definition of “Park”**

4. In the definition of “Park” in section 3 (1) of the Principal Act, for “section 18” substitute “section 17A or 18”.

**Objects**

5. In section 4 of the Principal Act, after paragraph (a) insert—

“(ab) to make provision in respect of wilderness parks—

- (i) for the protection, enhancement and management of those parks as wilderness so as to maximise the extent to which those parks are undisturbed by the influences of the European settlement of Australia; and
- (ii) for the protection, preservation and evolution of the natural environment including indigenous flora and fauna and of features of ecological, geological, scenic, archaeological and other scientific significance; and
- (iii) for the use and enjoyment of those parks by the public for inspiration, solitude and appropriate self-reliant recreation; and
- (iv) for the study of ecology, geology, botany, zoology, archaeology and other sciences relating to the environment in those parks;”.

**Insertion of new Division 1A in Part III**

6. In Part III of the Principal Act, after Division 1 insert—

**“Division 1A— Wilderness Parks”**

**Wilderness Parks— Schedule Two A**

“17A. (1) Each area of land described in a part of Schedule Two A is, for the purposes of this Act, a wilderness park under the name specified in that part.

(2) The Director must ensure that each wilderness park is controlled and managed in accordance with the objects of this Act in a manner that will protect and enhance the park as a wilderness including, insofar as is practicable and appropriate, the taking of measures—

- (a) to preserve and protect—
    - (i) the natural environment including indigenous flora and fauna and features of ecological, geological or scenic significance; and
    - (ii) features of archaeological or historic significance; and
    - (iii) features of scientific significance; and
  - (b) for the eradication or control of non-indigenous flora and non-indigenous fauna; and
  - (c) for the control of indigenous fauna to the extent necessary for the preservation and protection of any species; and
  - (d) subject to paragraph (a), for the removal of evidence of developments of non-aboriginal origin.
- (3) Subject to sub-section (2), the Director—
- (a) must ensure that opportunities are provided for solitude and appropriate self-reliant recreation in a wilderness park; and
  - (b) must promote the understanding and appreciation of the purpose and significance of wilderness and the proper use of wilderness by the public.”.

**Management plans**

“17B. The Director must, within two years of the inclusion of each wilderness park in Schedule Two A, prepare a management plan in respect of the park which must be consistent with the principles set out in this Division for the management of wilderness parks.”.

**Prohibition on development and other activities**

“17C. (1) The Director must ensure that in a wilderness park—

- (a) there are no roads, structures or installations; and
- (b) no commercial activity or development is carried out; and

- (c) there is no use of any form of motorized or mechanical transport; and
  - (d) there is no use of any non-indigenous animal; and
  - (e) there is no hunting.
- (2) Sub-section (1) does not apply to—
- (a) any road, structure or installation or any use of motorized or mechanical transport or any use, control or destruction of non-indigenous animals which the Director considers is essential for the responsible management of the park; or
  - (b) permanent survey markers existing at the date of commencement of section 6 of the *National Parks (Amendment) Act 1989*; or
  - (c) any commercial tours or activities not involving motorized or mechanical transport or the use of animals which the Director considers is appropriate for the appreciation and understanding of wilderness; or
  - (d) any non-commercial mechanical activity approved by the Director; or
  - (e) any scientific investigation or study of wilderness parks which the Director considers is appropriate and does not affect the value of the area as wilderness and cannot be carried out elsewhere; or
  - (f) any measures which the Director considers are necessary to provide for the health and safety of persons within the area, the prevention and control of fire or emergencies relating to the control of diseases; or

(3) In a wilderness park, the Director may carry out works and maintenance necessary to enable anything permitted under sub-section (2) to be done and, where degradation has occurred as a result of essential management activities, must undertake rehabilitation as soon as practicable.”.

#### **Tenancies**

7. In section 19 (2) of the Principal Act, after “park” (where first occurring) insert “which is not a wilderness park”.

#### **Management agreements with Victoria Conservation Trust**

8. In section 19A (2A) (b) of the Principal Act, after “sections” insert “17A, 17B, 17C,”.

#### **Public authority management agreements**

9. In section 19C (2) (c) of the Principal Act, after “sections” insert “17A, 17B, 17C,”.

**Leasing and managing land adjacent to parks**

10. In section 19E (3) (c) of the Principal Act, after “sections” insert “17A, 17B, 17C,”.

**Permits**

11. (1) In section 21 (1) (b) of the Principal Act, after “(b)” insert “which is not a wilderness park”.

(2) After section 21 (1) of the Principal Act insert—

“(1A) The Director must not grant a permit to carry on a trade or business in a wilderness park unless the activity which is the subject of the permit is an activity permitted under section 17C (2) (c).”.

**Wilderness zones**

12. (1) In section 22 of the Principal Act, after sub-section (3) insert—

“(4) If land has been declared under sub-section (5) to be a wilderness zone—

- (a) the land is to be used and managed as if it were a wilderness park; and
- (b) the provisions of this Act apply to the land as if it were a wilderness park.

(5) The Governor in Council, by proclamation published in the *Government Gazette* may declare specified land forming part of a park to be a wilderness zone if the land—

- (a) together with the plant and animal community on the land, is in a state that has not been substantially modified by the influences of European settlement or is capable of being restored to such a state; and
- (b) is of a sufficient size to make its maintenance in such a state feasible; and
- (c) is capable of providing opportunities for solitude and appropriate self-reliant recreation.

(6) The Governor in Council may by proclamation published in the *Government Gazette* declare that specified land forming a wilderness zone or part of a wilderness zone cease to form that zone or part.

(7) A proclamation under sub-section (5) or (6) does not have effect unless approved by resolutions of both Houses of the Parliament.

(8) Notice of a resolution to approve a proclamation may be given in a House of the Parliament on or before the eighteenth day on which that House sits after the proclamation is made and the resolution must be passed on or before the twelfth day upon which that House sits after notice of the resolution has been given in that House but the power of either House to pass a resolution approving the proclamation shall not be affected by the prorogation or dissolution of the Parliament or of

either House of the Parliament and for the purpose of this section the calculation of days upon which a House has sat shall be made as if there had been no such prorogation or dissolution.”.

(2) In section 22 (2) of the Principal Act, after “prescribed name” insert ‘, other than the name of “wilderness zone”.’.

#### **Permanent works**

13. In section 23 of the Principal Act, after “a park” insert “which is not a wilderness park”.

#### **Maintenance of works and works on foreshore**

14. (1) In section 24 of the Principal Act, after “each park” insert “which is not a wilderness park”.

(2) In section 25 of the Principal Act, after “park” insert “(other than a wilderness park)”.

#### **Consequential amendments and Regulations**

15. (1) In section 48 (1) of the Principal Act—

(a) in paragraph (a), after “national parks” (wherever occurring) insert “or wilderness parks”; and

(b) in paragraph (f), after “17” insert “,17A”.

(2) After section 48 (4) of the Principal Act insert—

“(5) Regulations made under this Act may be disallowed in whole or in part, by resolution of either House of Parliament in accordance with the requirements of section 6 (2) of the *Subordinate Legislation Act 1962*.

(6) Disallowance of a regulation under sub-section (5) must be taken to be disallowance by Parliament for the purposes of the *Subordinate Legislation Act 1962*.”.

#### **Insertion of new Schedule Two A**

16. After Schedule Two to the Principal Act insert—

#### **“SCHEDULE TWO A**

Section 17A

#### **WILDERNESS PARKS**

##### **PART 1—BIG DESERT WILDERNESS PARK**

All those pieces or parcels of land containing 1135 square kilometres, more or less, situate in the County of Weeah, being the land delineated and stippled grey in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P.39.

##### **PART 2—AVON WILDERNESS PARK**

All those pieces or parcels of land containing 40,000 hectares, more or less, situate in the Counties of Tanjil and Wonnangatta being the land delineated and bordered red or bordered green in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P.74.”.



**Amendment of Schedule Three**

17. In Schedule Three to the Principal Act, omit parts 11 and 20A.

**PART 3—MISCELLANEOUS AMENDMENTS**

**Amendments relating to State parks and other parks**

18. (1) After section 17 (1) of the Principal Act, insert—

“(1A) Each area of land described in a part of Schedule Two B is, for the purposes of this Act, a State park under the name specified in that part.”

(2) In section 17 (2) of the Principal Act—

- (a) in paragraph (a), after “national park” insert “and State park”; and
- (b) in paragraph (b), after “national park” insert “and State park”; and
- (c) in paragraph (c), after “national parks” insert “and State parks”; and
- (d) in paragraph (d), after “park” insert “and State park”.

(3) The Principal Act is amended as follows:

- (a) In section 3 (1), in the definition of “Park”, after “national park” insert “, State park”;
- (b) In section 4 (a), after “national parks” insert “and State parks”;
- (c) In the heading to Part III, after “NATIONAL PARKS” insert “, STATE PARKS”;
- (d) In the heading to Division 1 of Part III, after “National Parks” insert “and State Parks”;
- (e) In section 25B (1), for “part 14, 16A, 17, 19B, 21A, 24, 25B or 26B of Schedule Three” substitute “part 1, 3, 10, 17, 28 or 29 of Schedule Two B or part 2 or 12 of Schedule Three”;
- (f) In section 26, after “in respect of” insert “the park described in part 2 of Schedule Two B or”;
- (g) In section 26A, after “park described in” insert “Schedule Two B or”;
- (h) In section 31 (2), for “part 24B of Schedule Three” substitute “part 11 of Schedule Two B”;
- (i) In section 32D (1) (a), for “parts 2, 10, 18A, 19A and 23 of Schedule Three” substitute “parts 13, 31 and 33 of Schedule Two B or parts 1 and 13 of Schedule Three”;
- (j) In section 32D (1) (c) for “Part I of Schedule Three” substitute “part 4 of Schedule Two”;
- (k) In section 32D (1) (d), for “parts 23A and 24A of Schedule Three” substitute “parts 14 and 15 of Schedule Two B”;

- (l) In section 37 (2), for “parts 16, 18, 19 and 21A” substitute “parts 3, 6, 8 and 12”;
- (m) In section 37 (3), for “part 17 of Schedule Three” substitute “part 10 of Schedule Two B”;
- (n) In section 37 (6), for “parts 16, 17, 18 and 19 of Schedule Three” substitute “part 10 of Schedule Two B and parts 3, 6, 8 and 12 of Schedule Three”;
- (o) In section 48 (1) (a), after “national parks” insert “and State parks”.

#### **Management of land before reservation**

##### **19. In section 19AA of the Principal Act—**

- (a) in sub-section (1), after “for the purposes of a park” insert “or for any purpose referred to in paragraphs (l) to (o) of section 4 (1) of the *Crown Land (Reserves) Act 1978*”; and
- (b) in sub-section (2), after paragraph (a) insert—
  - “(aa) regulations made under this Act, which apply to land described in Schedule Three apply to the land—
    - (i) insofar as they are specified to apply by proclamation of the Governor in Council published in the *Government Gazette*, and
    - (ii) until regulations are made under paragraph (b) which apply to the land; and”.

#### **Management of land reserved under *Crown Land (Reserves) Act 1978***

##### **20. In section 19B of the Principal Act, after sub-section (5) insert—**

“(6) Despite section 18 (2) of the *Crown Land (Reserves) Act 1978*, regulations made under section 13 of that Act continue to apply to land placed under the control and management of the Director under section 18 (1) of that Act until regulations are made under sub-section (4).

(7) A reference to an authorised officer in regulations to which sub-section (6) applies is to be taken to mean an authorised officer under this Act.”.

#### **Permits to carry on business**

##### **21. In section 21 of the Principal Act—**

- (a) in sub-section (1) (c) (ii), for “six months” substitute “three years”; and
- (b) after sub-section (2) insert—
  - “(2A) A permit granted under sub-section (1) (c) (ii) may be cancelled or suspended by the Minister if the holder does not comply with the terms and conditions of the permit.”.

**Extraction of forest produce—Bunyip**

22. In section 25B (1) of the Principal Act, after “part 1,” insert “5.”

**Extraction of forest produce—Gembrook**

23. In section 25B (1) of the Principal Act, after “part 2” insert “, 5”.

**Point Nepean National Park**

24. In section 30 of the Principal Act—

- (a) in sub-section (2), for “1987” substitute “1988”;
- (b) after sub-section (2) insert—

“(3) There is granted to the Crown in right of the Commonwealth an easement over the land known as Defence Road and marked “E-1” in the plan N.P. A/7 referred to in part 4 of Schedule Two for the purposes of carriageway and the provision of services for the benefit of the remaining land described in Volume 5758 Folio 598 registered under the *Transfer of Land Act 1958*.”.

**Fossicking—Paddy Ranges**

25. In section 32D (1) (a) of the Principal Act, for “and 13” substitute “, 13 and 26”.

**Amendment of section 40— mining**

26. (1) In section 40 (1) of the Principal Act, for “sub-section (1A)” substitute “this section”.

(2) After section 40 (1) of the Principal Act, insert—

“(1AA) The Minister must not consent—

- (a) to the grant of a lease, licence, permit or other authority in respect of land in a national park, State park or wilderness park; or
- (b) to the registration as a claim under the *Mines Act 1958* of any land in a national park, State park or wilderness park—

unless—

- (c) the land is subject to another lease, licence, permit or authority under the *Mines Act 1958* or the *Extractive Industries Act 1966*; or
- (d) an application for a lease, licence, permit or other authority or registration was made before the relevant date.

(1AB) In sub-section (1AA), “relevant date” means—

- (a) in relation to land in a park that was a park before 1 October 1988— that date; and

- (b) in relation to any other land—
- (i) the date on which the Governor in Council makes a recommendation under the *Land Conservation Act 1970* on the use of the land; or
  - (ii) if no such recommendation is made, the date on which the land became a park or part of a park.”.

**Variation of national parks in Schedule Two— Tarra-Bulga, Point Nepean, Morwell and Burrowa-Pine Mountain**

27. (1) In part 3 of Schedule Two to the Principal Act, after “N.P.22/2” insert “and also excepting from it the Tarra Valley Road”.

- (2) In part 4 of Schedule Two to the Principal Act—
- (a) for “2200” substitute “2450”; and
  - (b) after “red” insert “excepting the land bordered blue”; and
  - (c) for “20A/6 and 20B/6” substitute “20A/7 and 20B/7”.
- (3) In part 4 of Schedule Two to the Principal Act—
- (a) after “red” insert “or coloured yellow”; and
  - (b) for “20B/7” substitute “20B/8”.
- (4) In part 16 of Schedule Two to the Principal Act—
- (a) for “283” substitute “396”; and
  - (b) after “Yinnar” insert “and Jeeralang”; and
  - (c) for “N.P.12/1” substitute “N.P.12/2”.
- (5) In part 26 of Schedule Two to the Principal Act—
- (a) for “176” substitute “184”; and
  - (b) after “Parishes of” insert “Berringama”; and
  - (c) for “N.P.24/1” substitute “N.P.24/2”.

**New Schedule Two B inserted and Schedule Three substituted**

28. For Schedule Three to the Principal Act substitute—

Section 17 (1A)

“SCHEDULE TWO B

STATE PARKS

**PART 1—ANGAHOOK—LORNE STATE PARK**

All those pieces or parcels of land containing 21 000 hectares, more or less, situate in the Parishes of Angahook, Boonah, Kaanglang, Lorne, Wensleydale, Wongarra and Wormbete, Counties of Grant and Polwarth, being the land delineated and bordered red or bordered green or coloured yellow excepting the roads shown as excluded also excepting therefrom land bordered blue in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 79.

Notwithstanding the declaration of the land as a park and subject to section 25B minor forest produce may be harvested when required in connection with maintenance of the mature red ironbark stands or when available as a result of park management activities.

**PART 2—ARTHURS SEAT STATE PARK**

All those pieces or parcels of land containing 350 hectares, more or less, situate in the Parishes of Wannaeue and Kangerong, County of Mornington being the land delineated and bordered red in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 36/4.

**PART 3—BARMAH STATE PARK**

All those pieces or parcels of land containing 7900 hectares, more or less, situate in the Parishes of Barmah, Cocomah, Strathmerton, Ulupna, Yalca and Yielima, County of Moira, being the land delineated and bordered red or bordered green or coloured yellow in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 85.

Notwithstanding the declaration of the land as a park and subject to section 25B timber and minor forest produce may be harvested.

**PART 4—BLACK RANGE STATE PARK**

All those pieces or parcels of land containing 11 700 hectares, more or less, situate in the Parishes of Daahl, Mockinya, Tyar and Yat Nat, County of Lowan, being the land delineated and bordered red or bordered green or coloured yellow excepting therefrom the roads shown as excluded in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 77.

**PART 6—CAPE NELSON STATE PARK**

All those pieces or parcels of land containing 210 hectares, more or less, situate in the Parish of Trewalla, County of Normanby, being the land delineated and bordered red in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 40.

**PART 7—CARLISLE STATE PARK**

All those pieces or parcels of land containing 5600 hectares, more or less, situate in the Parishes of Moorbanool, Natte Murrang, Newlingrook and Noomowroong, County of Polwarth, being the land delineated and bordered red or coloured yellow excepting therefrom the roads shown as excluded in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 88.

**PART 8—CATHEDRAL RANGE STATE PARK**

All those pieces or parcels of land containing 3577 hectares, more or less, situate in the Parishes of Taggerty and Torbreck, County of Anglesey, being the land delineated and bordered red excepting therefrom the roads shown as excluded also excepting therefrom land bordered blue in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 41/1.

**PART 10—EILDON STATE PARK**

All those pieces or parcels of land containing 240 square kilometres, more or less, situate in the Parishes of Banyarbite, Darlingford, Howqua West, Jamieson, Lodge Park and Thornton, Counties of Anglesey and Wonnangatta, being the land delineated and bordered red or bordered green or coloured yellow excepting therefrom the roads shown as excluded in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 45.

Notwithstanding the declaration of the land as a park and subject to section 25B the pine plantation on allotment 7, Parish of Howqua West, may be harvested.

**PART 11—FRENCH ISLAND STATE PARK**

All those pieces or parcels of land containing 8300 hectares, more or less, situate in the Parish of French Island, County of Mornington, being the land delineated and bordered red or coloured yellow excepting therefrom the roads shown as excluded also excepting therefrom land bordered blue in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 83.

*National Parks (Amendment) Act 1989***PART 12—HOLEY PLAINS STATE PARK**

All those pieces or parcels of land containing 10 576 hectares, more or less, situate in the Parishes of Coolungoolun, Holey Plains and Rosedale, County of Buln Buln, being the land delineated and bordered red excepting therefrom the roads shown as excluded also excepting therefrom land bordered blue in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P.33/1.

**PART 13—KAMAROOKA STATE PARK**

All those pieces or parcels of land containing 6300 hectares, more or less, situate in the Parishes of Bagshot and Egerton, County of Bendigo, being the land delineated and bordered red or bordered green or coloured yellow excepting therefrom the roads shown as excluded in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 72.

**PART 14—KARA KARA STATE PARK**

All those pieces or parcels of land containing 3840 hectares, more or less, situate in the Parishes of Barkly, Boola Boloke and Redbank, County of Kara Kara, being the land delineated and bordered red or bordered green or coloured yellow excepting therefrom the roads shown as excluded also excepting therefrom land bordered blue in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 63.

**PART 15—KOOYOORA STATE PARK**

All those pieces or parcels of land containing 3593 hectares, more or less, situate in the Township of Kooyoora, and the Parishes of Brenanah, Glenalbyn, Kangdaraar and Kingower, County of Gladstone, being the land delineated and bordered red or bordered green or coloured yellow excepting therefrom the roads shown as excluded also excepting therefrom land bordered blue in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 64/1.

**PART 16—LANGI GHIRAN STATE PARK**

All those pieces or parcels of land containing 2695 hectares, more or less, situate in the Parishes of Colvinsby and Warrak, Counties of Borung and Ripon, being the land delineated and bordered red or bordered green or coloured yellow excepting therefrom the roads shown as excluded also excepting therefrom land bordered blue in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 65.

**PART 17—LERDERDERG STATE PARK**

All those pieces or parcels of land containing 13 340 hectares, more or less, situate in the Parishes of Blackwood, Bullengarook, Coimadai, Coornmill and Myrniang, County of Bourke, being the land delineated and bordered red or bordered green excepting therefrom the roads shown as excluded also excepting therefrom land bordered blue in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 89.

Notwithstanding the declaration of this land as a park the following activities may be carried on subject to section 25B and the following conditions:

Extraction of minor forest produce arising from activities designed to change the vegetation to a form and composition closer to the original condition of the forest.

**PART 18—MELBA GULLY STATE PARK**

All that piece or parcel of land containing 65 hectares, more or less, situate in the Parish of Barwongemoong, County of Polwarth, being the land delineated and bordered red in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 34/1.

**PART 19—MOONDARRA STATE PARK**

All those pieces or parcels of land containing 6292 hectares, more or less, situate in the Parishes of Bundowra, Moondarra, Tanjil and Tanjil East, County of Tanjil, being the land delineated and bordered red or bordered green excepting therefrom the Walhalla

Road and Seninis Track and the roads shown as excluded also excepting therefrom land bordered blue or coloured brown in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 66.

**PART 20—MOUNT ARAPILES—TOOAN STATE PARK**

All those pieces or parcels of land containing 5060 hectares, more or less, situate in the Parishes of Arapiles, Gymbowen and Tooan, County of Lowan, being the land delineated and bordered red excepting therefrom the roads shown as excluded in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 81/1.

**PART 22—MOUNT LAWSON STATE PARK**

All those pieces or parcels of land containing 13 150 hectares, more or less, situate in the Parishes of Bungil East, Burrowye, Koetong and Thologolong, County of Benambra, being the land delineated and bordered red or coloured yellow excepting therefrom the roads shown as excluded also excepting therefrom land bordered blue in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 80.

**PART 23—MOUNT NAPIER STATE PARK**

All those pieces or parcels of land containing 2800 hectares, more or less, situate in the Parishes of Byaduk and Napier, County of Normanby, being the land delineated and bordered red or bordered green, excepting therefrom the roads shown as excluded in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 76.

**PART 24—MOUNT SAMARIA STATE PARK**

All those pieces or parcels of land containing 7600 hectares, more or less, situate in the Parishes of Dueran, Moorngag and Nillahcootie, County of Delatite, being the land delineated and bordered red or bordered green excepting therefrom the roads shown as excluded in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 49.

**PART 25—MOUNT WORTH STATE PARK**

All those pieces or parcels of land containing 1040 hectares, more or less, situate in the Parishes of Allambee, Allambee East and Warragul, County of Buln Buln, being the land delineated and bordered red or coloured yellow excepting therefrom the Allambee Estate road in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 35/2.

**PART 27—PINK LAKES STATE PARK**

All those pieces or parcels of land containing 507 square kilometres, more or less, situate in the Counties of Millewa and Weeah, being the land delineated and bordered red in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 51/1.

**PART 28—TERRICK TERRICK STATE PARK**

All those pieces or parcels of land containing 2493 hectares, situate in the Parish of Terrick Terrick West, County of Gunbower, being the land delineated and bordered red or bordered green, excepting therefrom the roads shown as excluded in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 84.

Notwithstanding the declaration of this land as a park the following activities may be carried on subject to section 25B and the following conditions:

Extraction of minor forest produce arising from activities designed to change the vegetation to a form and composition closer to the original condition of the forest.

*National Parks (Amendment) Act 1989***PART 29—WABONGA PLATEAU STATE PARK**

All those pieces or parcels of land containing 212 square kilometres, more or less, situate in the Parishes of Cambatong, Matong, Matong North, Mirimbah, Wabonga, Wabonga South and Wallagoot, County of Delaite, being the land delineated and bordered red or bordered green excepting therefrom the roads shown as excluded also excepting therefrom land bordered blue in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 54/1.

**PART 30—WARBY RANGE STATE PARK**

All those pieces or parcels of land containing 3540 hectares, more or less, situate in the Parishes of Glenrowen and Taminick, County of Moira, being the land delineated and bordered red excepting therefrom the Wangaratta-Thoona road and the roads shown as excluded, also excepting therefrom land bordered blue in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 26/3.

**PART 31—WARRANTDYTE STATE PARK**

All those pieces or parcels of land containing 586 hectares, more or less, situate in the Townships of Warrandyte and Warrandyte North and the Parishes of Warrandyte and Nillumbik, County of Evelyn, being the land delineated and bordered red in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 21/4.

**PART 32—WERRIBEE GORGE STATE PARK**

All those pieces or parcels of land containing 375 hectares, more or less, situate in the Parishes of Gorong, Gorrockburghap and Korkuperrimul, Counties of Grant and Bourke, being the land delineated and bordered red or coloured yellow in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 37.

**PART 33—WHIPSTICK STATE PARK**

All those pieces or parcels of land containing 2300 hectares, more or less, situate in the Parish of Whirrakee, County of Bendigo, being the land delineated and bordered red or bordered green or coloured yellow excepting therefrom the roads shown as excluded in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 73.

Section 18

**SCHEDULE THREE****OTHER PARKS****PART 1—BEECHWORTH PARK**

All those pieces or parcels of land containing 1130 hectares, more or less, situate in the Township of Beechworth and the Parishes of Beechworth and El Dorado, County of Bogong, being the land delineated and bordered red or bordered green excepting therefrom the roads shown as excluded also excepting therefrom land bordered blue in plans lodged in the Central Plan Office of the Department of Property and Services numbered N.P. 38A and N.P. 38B, also excepting therefrom the land indicated by hatching on a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 38C.

**PART 2—CHILTERN PARK**

All those pieces or parcels of land containing 4255 hectares, more or less, situate in the Parishes of Barnawartha South, Chiltern, Chiltern West and Wooragee North, County of Bogong, being the land delineated and bordered red or coloured yellow excepting therefrom the roads shown as excluded also excepting therefrom land bordered blue in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 42/1.

Notwithstanding the declaration of this land as a park the following activities may be carried on subject to section 25B and the following conditions:

- (a) Production of poles, sleepers, fencing materials and associated minor forest produce in the section north of the Hume Highway where this does not conflict with—



- (i) providing opportunities for informal recreation for the public;
  - (ii) protecting and conserving the natural ecosystems to the extent that this is consistent with (i);
- (b) In the section south of the Hume Highway, management aimed at restoring the original structure of the box-ironbark forest type in order to enhance wildlife conservation, with removal of any forest produce becoming available as this restoration is effected.

#### **PART 3—DISCOVERY BAY PARK**

All those pieces or parcels of land containing 8590 hectares, more or less, situate in the Parishes of Glenelg, Kentbruck, Mouzie, Tarragal and Warrain, Counties of Follett and Normanby, being the land delineated and bordered red excepting therefrom the roads shown as excluded also excepting therefrom land bordered blue in plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 44/2.

#### **PART 4—GELLIBRAND HILL PARK**

All those pieces or parcels of land containing 658 hectares, situate in the Parishes of Bulla Bulla and Will-will-rook, County of Bourke, being the land delineated and bordered red excepting therefrom the land bordered blue in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 75.

#### **PART 6—GIPPSLAND LAKES PARK**

All those pieces or parcels of land containing 172 square kilometres, more or less, situate in the Township of Seacombe and the Parishes of Boole Poole, Booran, Colquhoun, Dulungalong, Giffard, Seacombe and Wulla Wullock, Counties of Buln Buln and Tanjil, being the land delineated and bordered red or coloured yellow excepting therefrom the roads shown as excluded also excepting therefrom land bordered blue in plans lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 46A/3, N.P. 46B/2 and N.P. 46C/3.

#### **PART 7—HAINING PARK**

All those pieces or parcels of land containing 66.3 hectares, more or less, situate in the Parishes of Gracedale and Yuonga, County of Evelyn, being the land delineated and bordered red in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 25/1.

#### **PART 8—LAKE ALBACUTYA PARK**

All those pieces or parcels of land containing 107 square kilometres, more or less, situate in the Counties of Karkaroc and Weeah, being the land delineated and stippled grey in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 47.

#### **PART 9—LANGWARRIN FLORA AND FAUNA RESERVE**

All those pieces or parcels of land containing 214 hectares, more or less, situate in the Parish of Langwarrin, County of Mornington, being the land delineated and bordered red in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 69/1.

#### **PART 10—LYSTERFIELD PARK**

All those pieces or parcels of land containing 1151 hectares, more or less, situate in the Parish of Narree Worrان, County of Mornington, and being the land delineated and bordered red or coloured yellow excepting therefrom the road shown as excluded in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 60/2.

**PART 11—MURRAY— KULKYNE PARK**

All those pieces or parcels of land containing 1550 hectares, more or less, situate in the Parishes of Brockie, Cantala, Colignan and Kulkyne, County of Karkaroc, being the land delineated and stippled grey in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 50/1.

**PART 12—REEF HILLS PARK**

All those pieces or parcels of land containing 2040 hectares, more or less, situate in the Parishes of Benalla and Kilfeera, County of Delatite, being the land delineated and bordered red or bordered green or coloured yellow in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 68.

Notwithstanding the declaration of this land as a park the following activities may be carried on subject to section 25B and the following conditions:

Provision of poles, fencing materials, firewood and other minor forest products where methods, intensity and locality of use do not conflict with the primary use determined by the Land Conservation Council:

- (i) provide opportunity for open-space education related to the enjoyment and understanding of this environment for large numbers of people;
- (ii) protect and conserve the Lurg and Benalla land systems with particular emphasis on native ground flora and shrubs, the squirrel glider, lace lizard and significant birds.

**PART 13—STEIGLITZ PARK**

All those pieces or parcels of land containing 670 hectares, more or less, situate in the Township of Steiglitz and the Parish of Durdidwarrah, County of Grant, being the land delineated and bordered red excepting therefrom the roads shown as excluded also excepting therefrom the land bordered blue in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 52/3.

**PART 14—TYERS PARK**

All those pieces or parcels of land containing 1810 hectares, more or less, situate in the Parish of Tanjil East, County of Tanjil, being the land delineated and bordered red or bordered green, excepting therefrom the road shown as excluded, also excepting therefrom land bordered blue in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 67.

**PART 15—YEA RIVER PARK**

All those pieces or parcels of land containing 220 hectares, more or less, situate in the Parishes of Kinglake and Woodbourne, County of Anglesey, being the land delineated and bordered red or bordered green or coloured yellow in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 56.”.

**Amendment of Schedule Two B**

29. (1) In Schedule Two B to the Principal Act, after part 4 insert—

**“PART 5—BUNYIP STATE PARK**

All those pieces or parcels of land containing 139 square kilometres, more or less, situate in the Parishes of Bunyip, Gembrook, Jindivick, Nayook West, Tonimbuk and Tonimbuk East, Counties of Buln Buln and Mornington, being the land delineated and bordered red or bordered green or coloured yellow, excepting therefrom the roads shown as excluded, also excepting therefrom land delineated and bordered blue in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P.87.

Despite the declaration of this land as a park the following activities may be carried on subject to section 25b and the following conditions:

Extraction of forest products from the mixed-species forests (excluding the existing wildflower reserves) in the park at the 1977 level of production until 1990.”.

(2) In Schedule Two B to the Principal Act, after part 8 insert—

**“PART 9—DERGHOLM STATE PARK**

All those pieces or parcels of land containing 10 400 hectares, more or less, situate in the Parishes of Dergholm, Bogalara, Ganoo Ganoo, Mageppa, Warrock and Youpayang, Counties of Dundas and Follett, being the land delineated and bordered red or bordered green excepting therefrom the roads shown as excluded in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P.82.”.

(3) In Schedule Two B to the Principal Act, for part 19 substitute—

**“PART 19—MOONDARRA STATE PARK**

All those pieces or parcels of land containing 6470 hectares, more or less, situate in the Parishes of Bundowra, Moondarra, Tanjil and Tanjil East, County of Tanjil, being the land delineated and bordered red or bordered green or coloured brown excepting therefrom the Walhalla Road and Seninis Track and the roads shown as excluded also excepting therefrom land bordered blue in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P.66.”.

(4) In Schedule Two B to the Principal Act, after part 20 insert—

**“PART 21—MT. BUANGOR STATE PARK**

All those pieces or parcels of land containing 2400 hectares, more or less, situate in the Parishes of Buangor, Glenpatrick, Raglan West and Warrak, Counties of Kara Kara and Ripon, being the land delineated and bordered red or bordered green excepting therefrom the roads shown as excluded, also excepting therefrom land delineated and bordered blue in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P.95.”.

(5) In Schedule Two B to the Principal Act, after part 25 insert—

**“PART 26—PADDY RANGES STATE PARK**

All those pieces or parcels of land containing 1670 hectares, more or less, situate in the Parishes of Amherst and Maryborough, County of Talbot, being the land delineated and bordered red or bordered green excepting therefrom the roads shown as excluded, also excepting therefrom land bordered blue in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P.96.”.

(6) In Schedule Two B to the Principal Act, for part 30 substitute—

**“PART 30—WARBY RANGE STATE PARK**

All those pieces or parcels of land containing 6880 hectares, more or less, situate in the Parishes of Glenrowen, Killawarra and Taminick, County of Moira, being the land delineated and bordered red or bordered green, excepting therefrom the Wangaratta-Thoona road and the roads shown as excluded, also excepting therefrom the land bordered blue in plans lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 26/4 and N.P. 26A.”.

**Variation of Beechworth and Chiltern parks**

30. (1) In part 1 of Schedule Three to the Principal Act—

(a) omit “or bordered green”; and

(b) for “N.P.38A and N.P.38B” substitute “N.P.38A/1 and N.P.38B/1”.

(2) In part 2 of Schedule Three to the Principal Act—

(a) for “4255” substitute “4300”; and

(b) for “42/1” substitute “42/2”.

### **Insertion of new park in Schedule Three**

31. In Schedule Three to the Principal Act, after part 4 insert—

#### **“PART 5—GEMBROOK PARK**

All those pieces or parcels of land containing 2650 hectares, more or less, situate in the Parish of Tonimbuk, County of Mornington, being the land delineated and bordered green or coloured yellow excepting therefrom land bordered blue in a plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P.93.

Despite the declaration of the land as a park low intensity timber harvesting may be carried out subject to section 25B.”

### **Land to be transferred to the Crown—Point Nepean**

32. Upon the coming into operation of section 24, the land in part 4 of Schedule Two to the Principal Act as amended by this Act, and identified by hatching on the plans numbered 20A/7 and 20B/7 and lodged in the Central Plan Office of the Department of Property and Services is to be taken to be not included as part of the land described in part 4 until the title to the land is transferred to the Crown.

### **Cessation of rights**

33. (1) The lands delineated and coloured yellow in the plans referred to in part 4 of Schedule Two, part 5 of Schedule Two B and parts 2 and 5 of Schedule Three to the Principal Act as amended by this Act, cease to be roads or parts of roads and all rights, easements and privileges existing or claimed either by the public or any other body and incidental to any past dedication or supposed dedication or by any past user or fiction of law cease.

(2) The lands delineated by a green border in the plans referred to in parts 5, 9, 21 and 26 of Schedule Two B and part 5 of Schedule Three to the Principal Act as amended by this Act, cease to be reserved forest.

### **Transitional provision**

34. Regulations in force under this Act that, immediately before the commencement of this section, applied to parks referred to in Schedule Three apply, on and after that commencement, to parks referred to in Schedule Two A, Schedule Two B or Schedule Three.

### **Statute law revision**

35. The Principal Act is amended as follows:

(a) In section 19F—

(i) in sub-section (2) (b), for “in respect to” substitute “with respect to”; and

- (ii) for “Fourth Schedule” (wherever occurring) substitute “Schedule Four”;
- (b) In section 21A(ba), for “for management” substitute “for the management”;
- (c) In section 37A (5) (b) (i) (A), for “bounded by” substitute “bounded on”;
- (d) In section 45 (4), for “section or” substitute “section”;
- (e) In Schedule Two—
  - (i) in part 13 for “numbered 9/1” substitute “numbered N.P.9/1”; and
  - (ii) in part 33 for “accompanying Final Recommendations” substitute “accompanying the Final Recommendations”.

**Amendment of the *National Parks (Amendment) Act 1984***

36. In section 4 of the *National Parks (Amendment) Act 1984*, sub-section (9) is repealed.

**Amendment of the *National Parks and Wildlife (Amendment) Act 1988***

37. In section 7 (2) of the *National Parks and Wildlife (Amendment) Act 1988*, for “1987” substitute “1988”.

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NOTES

1. *Minister’s second reading speech—*  
*Legislative Assembly: 12 April 1989*  
*Legislative Council: 23 May 1989*
2. The long title for the Bill for this Act was “A Bill to make amendments to the *National Parks Act 1975* and for other purposes.”.