



Australian Capital Territory

# Public Parks Ordinance 1928

Ord1928-23

**Republication No 0A (RI)**

**Effective: 28 December 1978 – 31 January 1986**

Republication date of printed version: 31 December 1978  
Reissued electronically: 9 March 2011

Last amendment made by Ord1978-46  
(republication for amendments by Ord1930-5,  
Ord1937-27, Ord1939-11, Ord1942-4, Ord1966-19,  
Ord1977-64 and Ord1978-46)

Authorised by the ACT Parliamentary Counsel

## **About this republication**

### **The republished law**

This is a republication of the *Public Parks Ordinance 1928* effective 28 December 1978 to 31 January 1986.

### **Kinds of republications**

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

This republication has been scanned using the printed version. There is no unauthorised version available.

# AUSTRALIAN CAPITAL TERRITORY

---

## PUBLIC PARKS ORDINANCE 1928

*Incorporating all amendments by legislation made to 31 December 1978*

### TABLE OF PROVISIONS

Section	
1.	Short title
2.	Repeal
3.	Interpretation
4.	Declaration of public parks
5.	Rangers
6.	Trustees of public parks
7.	Vacancies among trustees
8.	Vesting of lands in trustees
9.	Persons reasonably suspected of breach of regulations to give name and address
10.	Determination of leases
11.	Removal of Trustees of certain land, &c.
11A.	Buildings on Hall Recreation Reserve to be property of the Association
11B.	Removal of Trustees of recreation reserve at Williamsdale, &c.
12.	Regulations

### THE SCHEDULES

#### THE FIRST SCHEDULE

Area contained in Hall Recreation Reserve

#### THE SECOND SCHEDULE

Area contained in Recreation Reserve at Williamsdale

---

An Ordinance to provide for the Regulation and Protection of Public Parks and Recreation Reserves and for other Purposes

1. This Ordinance may be cited as the *Public Parks Ordinance 1928*.<sup>1</sup> Short title
2. The *Parks and Gardens Ordinance 1918* and the *Recreation Land Leases Ordinance 1923* are repealed.
3. In this Ordinance, unless the contrary intention appears—  
“Public Park” means any land declared in pursuance of this Ordinance to be a public park or recreation reserve;  
“Ranger” means a ranger appointed under this Ordinance;

Interpretation  
Amended by  
No. 5, 1930, s. 4;  
No. 11, 1939, s. 2

24353/79 R78/1376 Cat. No. 79 7648 I—Recommended retail price 20c

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

ACT LAW OFFICE  
BRANCH  
LIBRARY

“the Association” means the body known as “The Australian Capital Territory Pastoral and Agricultural Association”;

“the Hall Recreation Reserve” means the land described in the Schedule to this Ordinance.

Declaration of public parks

Amended by No. 27, 1937, s. 2

4. The Minister may, by notice published in the *Gazette*,<sup>2</sup> declare any unleased land belonging to the Commonwealth to be a public park or recreation reserve.

Rangers

Amended by No. 27, 1937, s. 2

5. The Minister may appoint such rangers as he thinks necessary for the purposes of this Ordinance.

Trustees of public parks

Sub-section (1) amended by No. 27, 1937, s. 2

6. (1) The Minister may appoint persons to be trustees of any public park, and may remove any trustee from office.

(2) Any such trustees appointed and their successors shall be a body corporate.

Amended by No. 27, 1937, s. 2

(3) All bodies corporate constituted in pursuance of this section shall, under their respective corporate names, as determined by the Minister, have perpetual succession and a common seal, and may acquire, hold and dispose of real and personal property, and shall be capable of suing and being sued.

Vacancies among trustees

Amended by No. 27, 1937, s. 2

7. If any trustee appointed under this Ordinance dies or resigns or is removed from office, the Minister may appoint a new trustee in his place.

Vesting of lands in trustees

Amended by No. 27, 1937, s. 2

8. The Minister may, by order published in the *Gazette*, vest in any body corporate constituted under this Ordinance in respect of any public park, any estate of leasehold in the lands comprised in that park.

Persons reasonably suspected of breach of regulations to give name and address

9. (1) A member of the Police Force or a ranger may require any person reasonably suspected of having committed, or of being about to commit, a breach of this Ordinance or the regulations thereunder, to give his name in full and place of abode.

Amended by No. 19, 1966, s. 2

(2) Any person who, after being so required, refuses or fails to give his real name or place of abode shall be guilty of an offence.

Penalty: Twenty dollars.

(3) Any such member of the Police Force or ranger may arrest without warrant any person reasonably suspected of having acted in contravention of this section, and may keep him in such custody as he thinks fit until he can be dealt with according to law.

Determination of leases

10. (1) All leases of land granted under the *Recreation Land Leases Ordinance 1923* are determined.

(2) Notwithstanding anything contained in any such lease, all improvements existing on the land the subject of the lease and made thereto by the persons to whom the lease was granted (in this section referred to as "the lessees") and all moneys received in respect of the land and unexpended by the lessees shall be vested in the Commonwealth, and shall be recoverable by the Commonwealth from the lessees in any Court of Petty Sessions.

Amended by  
No. 27, 1937, s. 2

(3) The lessees of any land, the lease of which is determined by this section, shall, when and as required to do so by the Minister furnish to him—

Amended by  
No. 27, 1937,  
s. 2; No. 19,  
1966, s. 2

- (a) accounts of all moneys received and expended by them in respect of the land; and
- (b) all books, papers and documents in relation to the lease which are in their possession or control.

Penalty: Forty dollars.

(4) The determination of any lease by this section shall not relieve the lessees of any liability incurred by them under the lease prior to its determination.

(5) Any right granted by the lessees to any person in pursuance of any lease determined by this section shall continue to be exercisable by that person and in respect of the exercise of the right the Commonwealth shall be substituted for the lessees.

Amended by  
No. 27, 1937, s. 2

11. (1) The land described in the First Schedule to this Ordinance which by notice published in the New South Wales Government *Gazette* Number 121 of the 20th March, 1882, was, in pursuance of the fourth section of the *Crown Lands Alienation Act* of 1861 of the State of New South Wales, reserved from sale for public recreation, shall cease to be subject to the provisions of the *Public Trusts Act* 1897, and the *Public Parks Act* 1902, of the State of New South Wales.

Removal  
Trustees of  
certain land,  
&c.

Sub-section (1)  
amended by  
No. 4, 1942, s. 2

(2) The trustees of the land referred to in the last preceding subsection appointed under the *Public Trusts Act*, 1897, or the *Public Parks Act*, 1902, of the State of New South Wales and holding office at the commencement of this Ordinance shall cease to hold office as such trustees.

11A. (1) Notwithstanding anything contained in this Ordinance, all buildings erected by the Association on the Hall Recreation Reserve shall be the property of the Association.

Buildings on  
Hall  
Recreation  
Reserve to  
be property  
of the  
Association

(2) The Association shall keep all such buildings in good and tenable repair and shall not, without the consent in writing of the Minister, erect or remove any such building or make any structural alteration thereto.

Inserted by  
No. 11, 1939, s. 3

(3) The Minister or any person authorized in that behalf by the Minister may, by notice in writing to the Secretary of the Association specifying the repairs necessary to any such building, require the Association to effect such repairs and, upon non-compliance with any such requirement within three calendar months after the date of the notice, the buildings erected by the Association on the Hall Recreation Reserve shall cease to be the property of the Association and shall vest in the trustees of the Reserve.

Removal of Trustees of recreation reserve at Williamsdale, &c.

Inserted by No. 4, 1942, s. 3

11B. (1) The land described in the Second Schedule to this Ordinance which, by notice dated the 17th September, 1904, and published in the *New South Wales Government Gazette* dated the seventeenth day of September, 1904, was, in pursuance of section 101 of the Crown lands Act, 1884 and section 39 of the Crown Lands Act, 1889 of the State of New South Wales, reserved from sale pending determination of the portions to be set apart for public recreation shall cease to be subject to any Act relating to the Crown Lands, the Public Trusts Act, 1897 and the Public Parks Act, 1902 of the State of New South Wales, and any dedication or reservation of the land is revoked.

(2) The trustees of the land referred to in the last preceding subsection appointed under any law of the State of New South Wales and holding office at the commencement of this section shall cease to hold office as such trustees and shall be divested of all estate and interest in the land.

Regulations

Amended by No. 27, 1937, s. 2; No. 19, 1966, s. 2

12. The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for giving effect to this Ordinance, and in particular for providing for and in relation to—

- (a) the protection of public parks;
- (b) the regulation of the use and enjoyment of public parks;
- (c) the admission of, and the charges for the admission of, the public to, and the conduct of the public in, public parks;
- (d) the powers and duties of the trustees of any public park, and the regulation of their meetings and the conduct of business thereat;
- (e) the powers which may be exercised by any ranger or other person in respect of any public park;
- (f) the imposition of penalties, not exceeding One hundred dollars or imprisonment for three months, for breaches of the regulations.

## THE SCHEDULES

Headings substituted by No. 4, 1942, s. 4

## THE FIRST SCHEDULE

Section 11 (1)

First Schedule amended by No. 64, 1977, s. 2

County of Murray, Parish of Ginninderra, Village of Ginninderra, area about 4.148 hectares; The Crown lands within the following boundaries: Commencing at the intersection of the right bank of Hall's Creek with the south-west side of Hall Street; and bounded thence on the north-east of that side of that street bearing north-westerly to the south-east side of Gladstone Street; thence by that side of Gladstone Street bearing south-westerly to the north-east side of Victoria Street; thence by that side and a western side of that street bearing south-easterly and southerly to Hall's Creek aforesaid; and thence by that creek upwards to the point of commencement.

## THE SECOND SCHEDULE

Section 11B

Added by No. 4, 1942, s. 5; amended by No. 64, 1977, s. 2; No. 46, 1978, s. 3

County of Murray, Parish of Burra, containing an area of 4.35 hectares. The Crown Lands within the following boundaries: Commencing at a point 261.52 metres south from the south-east corner of portion 39; and bounded thence by a line west to the right bank of Lobbs Hole Creek; by that creek upwards to the western side of the road from Queanbeyan to Cooma; by that side of that road northerly to a point east from the point of commencement; and thence a line west to that point.

## NOTES

1. The *Public Parks Ordinance 1928 (a)* as shown in this reprint comprises Ordinance No. 23, 1928 as amended by the other Ordinances specified in the following table:

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement
<i>Public Parks Ordinance 1928</i>	No. 23, 1928	13 Dec 1928	13 Dec 1928
<i>Seat of Government (Administration) Ordinance 1930</i>	No. 5, 1930	1 May 1930	1 May 1930
<i>Ordinances Revision Ordinance 1937</i>	No. 27, 1937	23 Dec 1937	23 Dec 1937
<i>Public Parks Ordinance 1939</i>	No. 11, 1939	12 Oct 1939	12 Oct 1939
<i>Public Parks Ordinance 1942</i>	No. 4, 1942	29 Jan 1942	29 Jan 1942
<i>Ordinances Revision (Decimal Currency) Ordinance 1966</i>	No. 19, 1966	23 Dec 1966	23 Dec 1966
<i>Ordinances Revision (Metric Conversion) Ordinance 1977</i>	No. 64, 1977	22 Dec 1977	22 Dec 1977
<i>Ordinances Revision Ordinance 1978</i>	No. 46, 1978	28 Dec 1978	28 Dec 1978

(a) This citation is provided for by the *Amendments Incorporation Ordinance 1929* and the *Ordinances Citation Ordinance 1976*.

- 2.—S. 4—For declarations made under this section and in force at 31 December 1978, reference should be made to the following *Gazettes*:

No. 30 of 17 April 1930, p. 690  
 No. 26 of 31 March 1932, p. 441  
 No. 21 of 11 April 1935, p. 549  
 No. 68B of 13 July 1971, pp. 4453B-C  
 No. 100 of 21 October 1971, p. 6578  
 No. 106 of 11 November 1971, pp. 6969-70  
 No. 87 of 14 September 1972, pp. 11-12  
 No. 75A of 28 June 1973, pp. 1-4  
 No. S239 of 14 November 1978, p. 1.