

Authorised Version No. 030
Zoological Parks and Gardens Act 1995

No. 106 of 1995

Authorised Version incorporating amendments as at
15 December 2017

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The Parliament of Victoria enacts as follows:

Part 1—Preliminary

1 Purposes

The purposes of this Act are—

- (a) to establish the Zoological Parks and Gardens Board; and
- (b) to provide for the management and administration of zoological parks and gardens.

2 Commencement

- (1) Section 1 and this section come into operation on the day on which this Act receives the Royal Assent.
- (2) Subject to subsection (3), the remaining provisions of this Act come into operation on a day or days to be proclaimed.
- (3) If a provision referred to in subsection (2) does not come into operation within a period of 6 months beginning on, and including, the day on which this Act receives the Royal Assent, it comes into operation on the first day after the end of that period.

3 Definitions

In this Act—

acquired land means land owned by the Board which is not part of a zoological park and which is not managed land;

Board means the Zoological Parks and Gardens Board established under Part 2;

Chief Executive Officer means the Chief Executive Officer of the Zoological Parks and Gardens Board appointed under Part 3 and includes a person acting as Chief Executive Officer under section 37;

corporate planning document means—

- (a) a statement of corporate intent; or
- (b) a corporate plan; or
- (c) a business plan;

director of a zoological park means a person who is employed under section 39 as a director of a zoological park;

film friendly principles has the same meaning as in the **Filming Approval Act 2014**;

film permit has the same meaning as in the **Filming Approval Act 2014**;

managed land means—

- (a) Crown land managed under section 25;
- or

S. 3 def. of *corporate planning document* inserted by No. 53/2017 s. 56.

S. 3 def. of *film friendly principles* inserted by No. 51/2014 s. 9(Sch. 2 item 23.1).

S. 3 def. of *film permit* inserted by No. 51/2014 s. 9(Sch. 2 item 23.1).

- (b) freehold land managed under section 26; or
- (c) land which the Board has determined under section 28 to be managed land;

zoological collections means the collections of wildlife and plants under the control and management of the Board in the zoological parks or on managed land;

zoological parks means the zoological parks existing on the lands shown on the plans in Schedule 1 and includes any land declared to be a zoological park under section 24.

4 Objectives

The objectives of this Act are—

- (a) to conserve, protect, manage and improve the zoological parks and managed land and the zoological collections;
- (b) to promote and increase public enjoyment of the zoological collections, zoological parks and managed land;
- (c) to increase public knowledge and awareness of the zoological collections and the zoological parks through publications, educational programs and advisory services and other activities;
- (d) to carry out and promote zoological research, the conservation of wildlife and its natural habitats and the maintenance of biodiversity.

4A Filming Approval Act 2014

This Act is filming approval legislation within the meaning of the **Filming Approval Act 2014**.

S. 4A
inserted by
No. 51/2014
s. 9(Sch. 2
item 23.2).

5 Crown to be bound

This Act binds the Crown, not only in right of the State of Victoria but also, so far as the legislative power of Parliament permits, the Crown in all its other capacities.

Part 2—Zoological Parks and Gardens Board

Division 1—The Board

6 Establishment of Board

- (1) There is established a board to be called the "Zoological Parks and Gardens Board".
- (2) The Board—
 - (a) is a body corporate with perpetual succession; and
 - (b) shall have a common seal; and
 - (c) may sue or be sued in its corporate name; and
 - (d) may acquire, hold and dispose of real and personal property; and
 - (e) may do and suffer all acts and things that a body corporate may by law do and suffer.
- (3) The common seal of the Board must be kept as directed by the Board.
- (4) All courts must take judicial notice of the imprint of the common seal on a document and, until the contrary is proved, must presume that the document was properly sealed.

7 Board represents Crown

In carrying out its functions and powers, the Board acts on behalf of the Crown.

8 Board accountable to Minister

In carrying out its functions and powers, the Board is subject to the general direction and control of the Minister.

9 Constitution and membership of Board

- (1) The Board consists of up to 9 members appointed by the Governor in Council on the recommendation of the Minister.
- (2) The persons appointed to the Board are to be persons who, in the opinion of the Minister, have expertise in one or more of the following areas—
 - (a) zoology or veterinary science;
 - (b) business management, financial management or public administration;
 - (c) education, tourism or recreation;
 - (d) nature conservation or animal research;
 - (e) architecture or engineering.
- (3) In making a recommendation for appointment of members to the Board, the Minister must have regard to the expertise necessary for the Board to carry out its functions.
- (4) A person cannot be a member of the Board if he or she is the Chief Executive Officer.
- (5) Schedule 2 applies to the membership and procedure of the Board.

S. 9(2)
amended by
No. 46/1998
s. 7(Sch.1),
substituted by
No. 53/2017
s. 57.

10 Functions of the Board

The functions of the Board are—

- (a) to conserve, protect, manage and improve the zoological parks and managed land and the zoological collections;
- (b) to promote and increase public enjoyment of the zoological collections and the zoological parks and managed land;
- (c) to increase public knowledge and awareness of the zoological collections and zoological parks through exhibition of the zoological

- collections, publications, educational programs, advisory services and other activities;
- (d) to carry out and promote zoological research, the conservation of wildlife and its natural habitats and the maintenance of biodiversity;
 - (e) to advise the Minister on matters relating to the Board's functions or powers or on any other matter referred to it by the Minister;
 - (f) to provide consultancy and advice services to the public on zoological matters;
 - (g) to provide for services and facilities for visitors to the zoological parks and managed land;
 - (h) to carry out any other functions conferred on it by this or any other Act.

11 General powers of the Board

- (1) The Board may do anything necessary or convenient to enable it to carry out its functions.
- (2) The Board's other powers under this Act do not limit the general powers conferred by this section.

12 Specific powers of the Board

Subject to this Act, for the purposes of carrying out its functions, the Board has the following powers—

- (a) to give, take and acquire or dispose of zoological and botanical specimens by way of loan, exchange, purchase or sale with scientific or educational institutions or other zoological parks or institutions;
- (b) to enter into contracts, agreements or arrangements and carry them out;
- (c) to publish information;

- (d) to apply for, obtain and hold (whether alone or jointly with any other person) any intellectual property rights;
- (e) to assign or grant licences in respect of those intellectual property rights, with or without consideration;
- (f) to enter into agreements or arrangements concerning the commercial exploitation of those intellectual property rights;
- (g) to provide specialist consultancy or advisory services on zoological matters to any Minister, government department, public statutory authority or other body or person or class of body or persons whatsoever, with or without consideration;
- (h) to become a member or affiliate of any body, corporate or unincorporate, (whether within or outside Victoria) having similar functions to those of the Board;
- (i) subject to this Act, to acquire, hold or dispose of any interest in real or personal property, with or without consideration;
- (j) to accept or refuse grants or donations of money or other property (whether by deed, will or otherwise);
- (k) to fix and collect reasonable fees for anything done under this Act, in addition to collecting fees prescribed under the regulations;
- (l) to erect, maintain, remove, alter or dismantle buildings, enclosures and improvements of all kinds, or to alter the location of those buildings, structures or improvements.

13 Provision of services

(1) The Board may provide or arrange for the provision of—

(a) restaurant or refreshment services; or

(b) services of any other kind—

at a zoological park (whether or not those services are provided during the times that the zoological park is open to the public), despite anything to the contrary in any Order in Council reserving that land.

(2) Services provided in accordance with subsection (1)(b) must be consistent with the functions of the Board.

(3) The Board may apply for and hold a licence or permit under the **Liquor Control Reform Act 1998** in respect of any premises or place within a zoological park where services are provided in accordance with this section.

S. 13(3)
amended by
No. 74/2000
s. 3(Sch. 1
item 146.1).

14 Crowd control

(1) For the safety and well being of the public, and to prevent overcrowding in a zoological park, the Chief Executive Officer, or a director of a zoological park may prohibit or restrict further admission of the public to the zoological park or part of the zoological park in a manner determined by the Chief Executive Officer or the director.

(2) A person who prohibits or restricts the admission of the public to a zoological park must cause a notice setting out the details of the prohibition or restriction to be displayed at each entrance to that park.

(3) The Chief Executive Officer or a director of a zoological park may prohibit or restrict admission of the public under subsection (1) even if the

zoological park is expressed to be open to the public.

- (4) The Chief Executive Officer or a director of a zoological park may by instrument delegate to a person or class of persons any of the powers of the Chief Executive Officer or director under this section, except this power of delegation.

15 Board as occupier in certain circumstances

S. 15(1)
amended by
No. 30/2014
s. 15.

- (1) The word *owner* in section 3 of the **Fences Act 1968**, in relation to zoological parks, is deemed to include the Board.
- (2) Despite anything to the contrary in the **Fences Act 1968**, the occupier of land adjoining a zoological park is not required to contribute towards the cost of constructing or repairing any dividing fence constructed by the Board.
- (3) The Board may impound livestock trespassing in any zoological park in accordance with the **Impounding of Livestock Act 1994** as if the Board were the owner or occupier within the meaning of that Act of that zoological park.

16 Delegation

The Board may, by instrument, delegate its functions or powers under this Act, other than this power of delegation, to—

- (a) a member of the Board; or
- (b) the members of a committee of the Board; or
- (c) the Chief Executive Officer; or
- (d) the Chief Finance and Accounting Officer of the Board (however titled); or
- (e) the directors of the zoological parks; or

- (f) any other member of its staff or class of members of staff specified in the instrument of delegation.

17 Immunity of Board members

- (1) A member of the Board is not personally liable for anything done or omitted to be done in good faith—
 - (a) in carrying out a function or power under this Act; or
 - (b) in the reasonable belief that the act or omission was in the carrying out of a function or power under this Act.
- (2) Any liability resulting from an act or omission that would, but for subsection (1), attach to a member of the Board, attaches instead to the Board.

Division 2—Corporate planning documents and financial matters

Pt 2 Div. 2
(Heading)
substituted by
No. 53/2017
s. 58.

18 Corporate planning documents of the Board

- (1) The Minister, in writing, may request the Board to prepare a corporate planning document to provide to the Minister.
- (2) The Board must prepare a corporate planning document if requested by the Minister.
- (3) A request under subsection (1) must—
 - (a) specify the date by which the corporate planning document must be provided to the Minister; and
 - (b) specify the information to be included in the corporate planning document and the form in which the information must be provided.

S. 18
substituted by
No. 53/2017
s. 59.

- (4) A corporate planning document may be amended at any time by the Board with the approval of the Minister.
- (5) The Minister, in writing, may direct the Board to amend a corporate planning document at any time by including or omitting any specified information.
- (6) The Board must comply with a direction under subsection (5).

S. 19
repealed by
No. 53/2017
s. 60.

* * * * *

20 Board to notify Minister of significant affecting events etc.

If the Board is of the opinion that matters have arisen that may prevent or significantly affect the achievement of—

- (a) the objectives of the Board under the corporate plan; or
- (b) financial targets under the plan—

the Board must immediately notify the Minister of its opinion and the reasons for the opinion.

21 General Account

- (1) The Board must keep an account called the General Account.
- (2) The Board must ensure that there is paid into the General Account—
 - (a) all money standing to the credit of the Zoological Board of Victoria in the bank accounts established under section 15A of the **Zoological Parks and Gardens Act 1967** immediately before its repeal; and

- (b) all fees received or recovered under this Act;
and
 - (c) all other money received by it or on its
behalf.
- (3) The Board may pay money out of the General
Account—
- (a) to meet any expenses incurred in carrying
out its functions or powers;
 - (b) in paying or repaying money borrowed by it
under this Act, together with any charges or
interest on that money;
 - (c) in paying remuneration, allowances or
expenses to which its members, staff or any
members of its committees are entitled;
 - (d) for any other purpose authorised by this Act.

Division 3—Powers over land

22 Crown Land (Reserves) Act 1978 does not apply to zoological parks

The provisions of the **Crown Land (Reserves) Act 1978** or of any other Act or enactment relating to the management and control of Crown lands or reserves does not apply to zoological parks, but those parks are to be managed as provided in this Act.

23 Zoological parks

The Board is responsible for the management of the zoological parks but does not own them.

24 Governor in Council may declare land to be zoological park

- (1) The Governor in Council, by Order published in the Government Gazette, may declare land which is vested in the Crown and reserved either

temporarily or permanently under the **Crown Land (Reserves) Act 1978**—

- (a) as a site for a zoological park; or
- (b) as a State wildlife reserve within the meaning of the **Wildlife Act 1975**—

to be a zoological park to which this Act applies.

- (2) On and from the making by the Governor in Council of an Order under subsection (1), the land in respect of which the Order was made is subject to this Act and must be administered by the Board as a zoological park.
- (3) The Governor in Council, by Order published in the Government Gazette, may revoke or vary an Order made under subsection (1).

25 Managed Crown land

- (1) The Governor in Council on the recommendation of the Minister may, by Order published in the Government Gazette, place under the Board's management any Crown land specified in the Order that is not part of a zoological park.
- (2) The Minister must not recommend that land is to be placed under the Board's management if to do so would be inconsistent with any Act or reservation relating to the land.
- (3) The Order may—
 - (a) state which of the Board's functions and powers are exercisable in relation to the managed land; or
 - (b) impose any other restrictions or conditions on the management of the land that the Governor in Council thinks fit; or
 - (c) revoke the appointment of any committee of management to the extent that it applies to the managed land.

- (4) On the revocation of an Order under this section, the land to which an Order applied ceases to be under the Board's management and its management reverts to the Crown.

26 Managed freehold land

- (1) The Board may enter into an agreement with the owner or registered proprietor of an estate in fee simple in land other than Crown land under which the land is placed under the Board's management.
- (2) The agreement may—
- (a) state which of the Board's functions or powers are exercisable in relation to the managed land; or
 - (b) impose any other restrictions or conditions on the management of the land; or
 - (c) authorise the Board on behalf of the owner to do anything necessary to carry out the agreement; or
 - (d) contain any other provision concerning the management of the land.
- (3) The agreement—
- (a) may be ended or varied by agreement between the parties; and
 - (b) unless registered under a provision applied by subsection (5), ends when there is a change in the ownership of the land.
- (4) An agreement must include the written consent of any person having an interest, mortgage, charge or other encumbrance over the land affected by it.
- (5) Division 2 of Part 9 of the **Planning and Environment Act 1987** applies to the agreement as if—

- (a) it were an agreement under that Division;
and
- (b) that Division referred to the Board instead of
the responsible authority; and
- (c) sections 174 to 180 and 184 were omitted.

27 Land acquired by gift

If the Board acquires land by gift (whether by deed, will or otherwise) it may, despite anything to the contrary in this Act, do anything necessary to comply with the terms of the gift.

28 When does acquired land become managed land?

The Board may determine in writing that land acquired by the Board is managed land if—

- (a) the Board considers that the land is suitable to be included as a zoological park or to be managed by the Board; and
- (b) the Minister so approves.

29 Notice of managed land

The Board must publish in the Government Gazette a notice that land (other than Crown land) has become managed land as soon as possible after—

- (a) the land is acquired by the Board and the Board has determined under section 28 that it is to be managed land; or
- (b) the Board enters into an agreement to manage the land under this Division.

30 Notice where land ceases to be managed land

- (1) The Board may surrender to the Crown any land which it owns, whether it is managed land or not.

- (2) As soon as possible after the land owned by the Board ceases to be managed land, the Board must publish notice of the fact in the Government Gazette.

31 Board's powers in relation to acquired land

The Board may in relation to acquired land—

- (a) maintain its existing state or use; and
- (b) exercise any other management powers that it thinks fit and the Minister approves.

32 Disposal of land

The Board may dispose of any interest in land which it owns.

33 Leases licences and permits

- (1) This section applies despite anything in the **Crown Land (Reserves) Act 1978**.
- (2) In relation to zoological parks, managed land or acquired land the Board may, on any consideration, rental, fees or other terms it thinks fit—
 - (a) with the approval of the Minister, grant leases, each of which is for a term not exceeding 21 years; and
 - (b) with the approval of the Minister, grant licences, each of which is for a term of more than 12 months but not more than 5 years; and
 - (c) grant permits, each of which is for a term of 12 months or less.
- (3) A lease, licence or permit granted under this section must be for a purpose that is consistent with the Board's functions.

S. 33(2)(a)
amended by
No. 53/2017
s. 61(1).

S. 33(2)(b)
amended by
No. 53/2017
s. 61(2).

- (4) Without limiting the purposes for which a lease, licence or permit may be granted under this section, a lease, licence or permit may be granted to provide access through or within a zoological park, managed land or acquired land.

Part 3—Chief Executive Officer and staff

34 Appointment of Chief Executive Officer

The Board by instrument, may appoint a Chief Executive Officer of the Zoological Parks and Gardens Board.

S. 34
amended by
No. 53/2017
s. 62.

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Ss 35, 36
repealed by
No. 53/2017
s. 63.

37 Appointment of acting Chief Executive Officer

- (1) The Board may, by instrument, appoint a person to act as the Chief Executive Officer during—
 - (a) any period when the Chief Executive Officer is absent from duty or for any other reason unable to perform his or her duties; or
 - (b) a vacancy in the office of the Chief Executive Officer.
- (2) An appointment of a person as acting Chief Executive Officer has effect during the absence, inability or vacancy, but the person must not continue to act in the office for more than 6 months.
- (3) An appointment as acting Chief Executive Officer is on such other terms and conditions, including conditions as to the payment of remuneration, allowances and expenses as are determined by the Board.
- (4) A person appointed as acting Chief Executive Officer, while so acting, has all the powers and may perform all the duties of the Chief Executive Officer.

- (5) The Board may at any time terminate the appointment of a person as acting Chief Executive Officer.

38 Chief Executive Officer's role

The Chief Executive Officer—

- (a) is subject to the direction of the Board; and
- (b) has the day to day control and management of the zoological parks, managed land and other property for which the Board is responsible.

39 Staff of the Board

The Board may employ directors of the zoological parks and any other persons it considers necessary for the purposes of this Act.

Part 4—Enforcement and regulations

40 Who may take proceedings?

Proceedings under this Act or the regulations may be taken by—

- (a) the Board; or
- (b) the Chief Executive Officer; or
- (c) a person authorised by the Board or the Chief Executive Officer either generally or in a particular case; or
- (d) an authorised officer within the meaning of section 3(1) of the **Conservation, Forests and Lands Act 1987**.

41 Regulations

- (1) The Governor in Council may make regulations for or with respect to—
 - (a) the preservation of public order in zoological parks and on managed land;
 - (b) public safety in zoological parks and on managed land;
 - (c) prohibiting or regulating traffic and entry by persons, animals or vehicles in zoological parks and on managed land;
 - (d) the closure to the public of any part or parts of a zoological park that the Board considers necessary for the protection and management of the zoological parks or public safety, whether or not the park or part of the park is expressed to be open to the public;
 - (e) the care, protection and management of land, property, structures and improvements in zoological parks and on managed land;

- (f) the care, protection and management of the zoological collections;
 - (g) fees and charges for entry into zoological parks and onto managed land, including concessional charges and the mechanisms for determining concessional charges;
 - (h) times at which the zoological parks and managed land are to be open or closed to the public;
 - (i) conditions of entry to the zoological parks and managed land and conditions of use of facilities or services;
 - (j) prohibiting or regulating the carrying on of a trade or business in the zoological parks or on managed land;
 - (k) the protection of flora and fauna in zoological parks and on managed land;
 - (l) any other matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act.
- (2) The regulations made under this Act may—
- (a) be of general or limited application; and
 - (b) differ according to differences in time, place or circumstances; and
 - (c) confer discretions or powers or impose duties on any specified person or specified class of person; and
 - (d) provide in a specified case or class of case for the exemption of persons, vehicles, zoological parks or parts of zoological parks or a class of person, vehicles, zoological parks or parts of zoological parks from any of the provisions of the regulations, whether

- unconditionally or on specified conditions and either wholly or to such an extent as is specified; and
- (e) impose specific, minimum or maximum fees and provide for the waiver or reduction of fees; and
 - (f) impose penalties not exceeding 20 penalty units for contravention of the regulations.
- (3) Any regulations made under this Act for or with respect to the issuing of film permits must not be inconsistent with the film friendly principles.

S. 41(3)
inserted by
No. 51/2014
s. 9(Sch. 2
item 23.3).

42 Warning notices

The Board must cause brief particulars of the offences for which penalties may be imposed under the regulations to be displayed in a conspicuous place at or near each entrance to the zoological parks.

Part 5—Repeals, transitional provisions and amendments to other Acts

Division 1—Repeals and transitional provisions

* * * * *

S. 43
repealed by
No. 53/2017
s. 64.

44 Definitions

In this Division—

new Board means the Zoological Parks and Gardens Board established under this Act;

old Act means the **Zoological Parks and Gardens Act 1967**;

old Board means the Zoological Board of Victoria established under the old Act.

45 Transitional provisions relating to the Board

On the commencement of this Division—

- (a) the old Board is abolished and its members go out of office; and
- (b) the new Board is the successor in law of the old Board; and
- (c) all rights, assets, liabilities and obligations of the old Board existing immediately before the Board's abolition become the rights, assets, liabilities and obligations of the new Board; and
- (d) the new Board is substituted for the old Board as a party in any proceeding, contract, agreement, arrangement, lease, licence or permit commenced or made by, against or in relation to the old Board; and

- (e) the new Board may continue and complete any other continuing matter or thing commenced by, against or in relation to the old Board.

46 Superseded references

On or after the commencement of this Division, unless the context otherwise requires, a reference in—

- (a) any Act other than this Act; or
- (b) a subordinate instrument within the meaning of the **Interpretation of Legislation Act 1984**; or
- (c) any other document whatever—

to—

- (d) the old Act is deemed to be a reference to the **Zoological Parks and Gardens Act 1995**; and
- (e) the old Board is a reference to the new Board.

* * * * *

S. 47
repealed by
No. 53/2017
s. 64.

48 Staff

A person who, immediately before the commencement of this Division was employed by the old Board becomes, on that commencement, an employee of the new Board on the same terms and conditions and with the same rights and accrued and accruing entitlements as he or she had before that commencement.

* * * * *

S. 49
repealed by
No. 53/2017
s. 64.

Pt 5 Div. 2
(Heading and
ss 50, 51)
repealed by
No. 29/2011
s. 3(Sch. 1
item 112), new
Pt 5 Div. 2
(Heading and
new ss 50–52)
inserted by
No. 53/2017
s. 65.

Division 2—Parks and Crown Land Legislation Amendment Act 2017

New s. 50
inserted by
No. 53/2017
s. 65.

50 Definition

In this Division—

commencement day means the day on which
Part 11 of the **Parks and Crown Land
Legislation Amendment Act 2017** comes
into operation.

New s. 51
inserted by
No. 53/2017
s. 65.

51 Constitution and membership of the Board

On the commencement day, an appointment to
the Board made under section 9(2)(a) as in force
immediately before that day is terminated and the
person appointed to the Board under that section
goes out of office.

New s. 52
inserted by
No. 53/2017
s. 65.

52 Corporate planning documents of the Board

On the commencement day, a corporate plan of
the Board prepared under section 18 as in force
immediately before that day is taken to be a
corporate planning document prepared under
section 18.

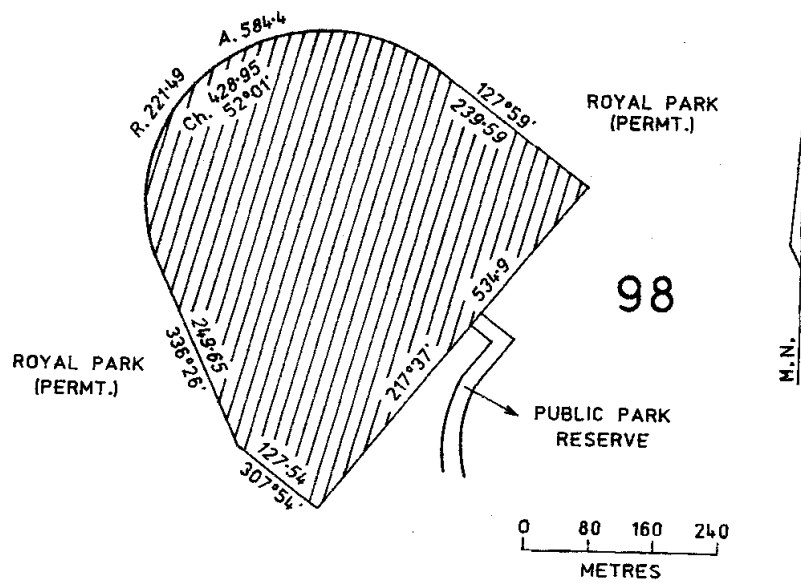
Pt 5 Div. 3
(Heading and
ss 52–55)
amended by
No. 45/1997
s. 40,
repealed by
No. 29/2011
s. 3(Sch. 1
item 112).

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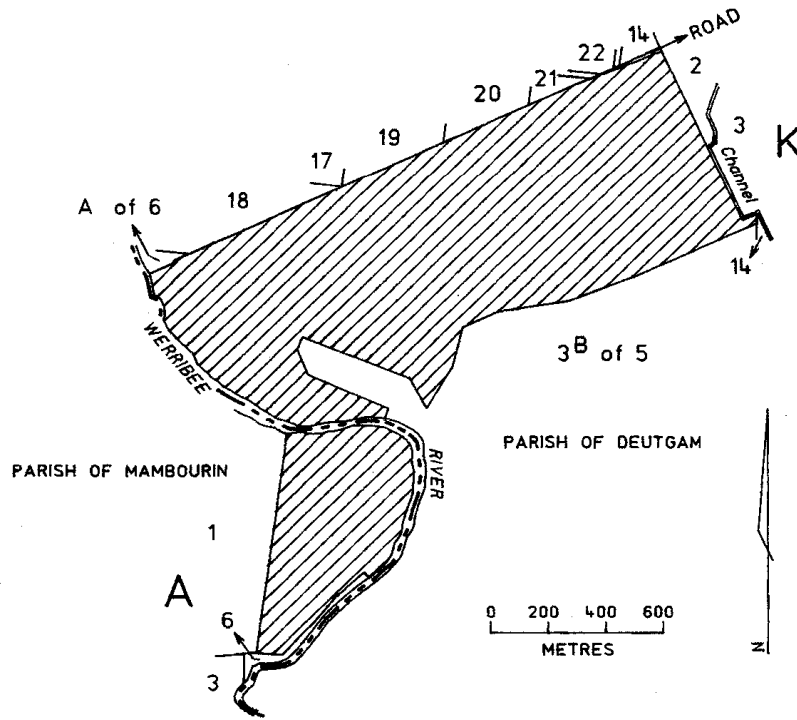
Schedules

Schedule 1—Zoological parks

Part 1—Land at Royal Park



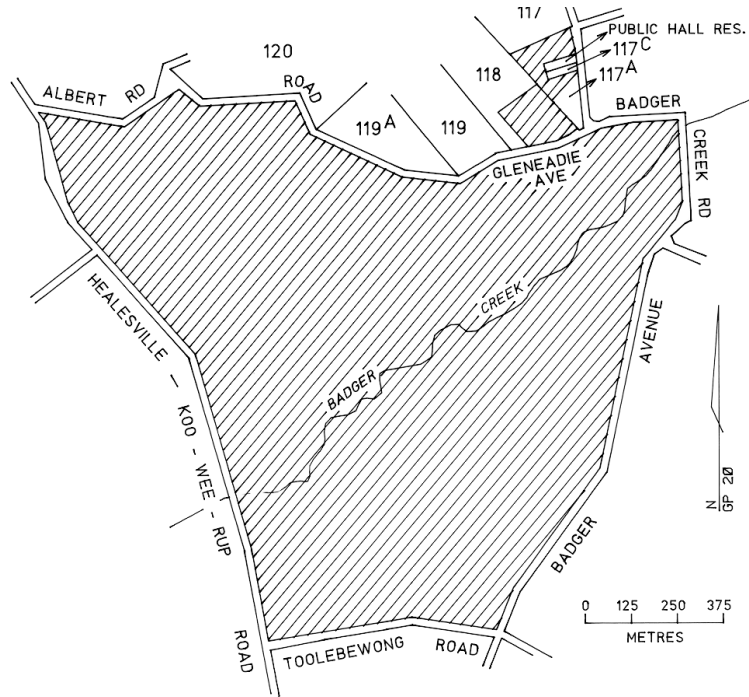
Part 2—Land at Werribee



Zoological Parks and Gardens Act 1995
No. 106 of 1995
Schedule 1—Zoological parks

Part 3—Land at Healesville

Sch. 1 Pt 3
substituted by
No. 45/1997
s. 39.



Schedule 2—Membership and procedure of the Zoological Parks and Gardens Board

1 Terms of appointment

- (1) A member of the Board holds office for a period, not exceeding 3 years, specified in the instrument of his or her appointment.
- (2) A member of the Board is eligible for re-appointment.
- (3) The instrument of appointment of a member of the Board may specify terms and conditions of appointment.
- (4) The **Public Administration Act 2004** (other than Part 3 of that Act) applies to a member in respect of the office of member.

Sch. 2 cl. 1(4)
amended by
No. 46/1998
s. 7(Sch. 1),
substituted by
Nos 108/2004
s. 117(1)
(Sch. 3
item 239),
80/2006
s. 26(Sch.
item 119).

2 Chairperson and deputy chairperson

- (1) The Minister must appoint—
 - (a) one of the members to be chairperson; and
 - (b) one of the members to be deputy chairperson.
- (2) If the chairperson is absent or unable to perform his or her duties as chairperson, the deputy chairperson must act as chairperson and, while acting as chairperson, has all the powers and duties of the chairperson.

3 Terms of appointment of chairperson and deputy chairperson

- (1) A person appointed as chairperson or deputy chairperson holds that office for a period not exceeding 3 years and is eligible for re-appointment.
- (2) The instrument of appointment of the chairperson or deputy chairperson may specify terms and conditions of appointment.
- (3) A person appointed as chairperson or deputy chairperson ceases to hold that office on ceasing to be a member of the Board.

4 Resignation and removal

- (1) A member of the Board may resign the office of member by writing signed by the member and addressed to the Governor in Council.
- (2) The Governor in Council may at any time remove a member of the Board from office.

5 Vacancies

The office of a member of the Board becomes vacant if the member—

- (a) without the chairperson's approval, fails to attend 3 consecutive meetings of the Board;
or
- (b) becomes bankrupt; or
- (c) is convicted of an indictable offence or an offence which, if committed in Victoria, would be an indictable offence.

6 Committees

For the purposes of this Act, the Board may—

- (a) appoint any committees of its members that it considers necessary and may abolish any such committee; and
- (b) determine the procedure of each committee.

7 Fees and allowances

A member of the Board is entitled to receive the fees, travelling and other allowances from time to time fixed by the Minister in respect of that member.

8 Validity of decisions

- (1) An act or decision of the Board is not invalid merely because of—
 - (a) a defect or irregularity in, or in connection with, the appointment of a member; or
 - (b) a vacancy in the membership of the Board, including a vacancy arising from the failure to appoint an original member.
- (2) Anything done by or in relation to a person purporting to act as chairperson, deputy chairperson or as a member is not invalid merely because—
 - (a) the occasion for the appointment had not arisen; or
 - (b) there was a defect or irregularity in relation to the appointment; or
 - (c) the appointment had ceased to have effect; or
 - (d) the occasion for the person to act had not arisen or had ceased.

Sch. 2 cl. 7
amended by
No. 53/2017
s. 66.

9 Who presides?

The person who is to preside at a meeting of the Board is—

- (a) the chairperson, if he or she is present; or
- (b) the deputy chairperson, if the chairperson is absent; or
- (c) if both the chairperson and the deputy chairperson are absent, a member elected to preside by the members of the Board present at the meeting.

10 Proceedings of the Board

- (1) Subject to subsection (2), meetings of the Board are to be held at such times and places as the chairperson determines.
- (2) The chairperson may at any time convene a meeting, but must do so when requested by a member.
- (3) A majority of the members for the time being constitutes a quorum of the Board.
- (4) A question arising at a meeting must be determined by a majority of votes of members present and voting on that question and, if the voting is equal, the person presiding has a casting vote as well as a deliberative vote.
- (5) The person presiding must ensure that minutes are kept of each of its meetings.
- (6) Subject to this Schedule, the Board may regulate its own proceedings.

11 Disclosure of interest

- (1) A member of the Board who has a direct or pecuniary interest in a contract or other matter being dealt with by the Board must disclose the nature of that interest at a meeting of the Board as soon as possible after becoming aware of the interest.
- (2) A member of the Board who holds an office or possesses property as a result of which, directly or indirectly, duties or interests may be created in conflict with the member's duties as a member, must disclose that fact at a meeting of the Board as soon as possible after becoming aware of the potential conflict.
- (3) The person presiding at a meeting at which a disclosure under this clause is made must cause that disclosure to be recorded in the minutes of the meeting.
- (4) A person who has made a disclosure under this clause must not take any further part in the discussion of or vote on the contract or other matter to which the disclosure relates.

Sch. 2 cl. 11(3)
amended by
No. 74/2000
s. 3(Sch. 1
item 146.2).

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

Minister's second reading speech—

Legislative Assembly: 12 October 1995

Legislative Council: 1 November 1995

The long title for the Bill for this Act was "A Bill to establish the Zoological Parks and Gardens Board and define its functions, to provide for the management and administration of zoological parks and gardens, to repeal the **Zoological Parks and Gardens Act 1967**, to amend the **Borrowing and Investment Powers Act 1987** and the **Conservation, Forests and Lands Act 1987**, to make consequential amendments to other Acts and for other purposes."

The **Zoological Parks and Gardens Act 1995** was assented to on 5 December 1995 and came into operation as follows:

Sections 1, 2 on 5 December 1995: s. 2(1); rest of Act on 30 April 1996: Special Gazette (No. 45) 30 April 1996 page 1.

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided section or clause of a Schedule is amended by the insertion of one or more subsections or subclauses, the original section or clause becomes subsection or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original section or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in an Act which is passed on or after 1 January 2001 form part of that Act. Any heading inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. This includes headings to Parts, Divisions or Subdivisions in

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a Schedule; sections; clauses; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in an Act which is passed on or after 1 January 2001 form part of that Act. Any examples, diagrams or notes inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, form part of that Act. See section 36(3A).

- **Punctuation**

All punctuation included in an Act which is passed on or after 1 January 2001 forms part of that Act. Any punctuation inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. See section 36(3B).

- **Provision numbers**

All provision numbers included in an Act form part of that Act, whether inserted in the Act before, on or after 1 January 2001. Provision numbers include section numbers, subsection numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of an Act is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of an Act. See section 36(3)(3D)(3E).

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2 Table of Amendments

This publication incorporates amendments made to the **Zoological Parks and Gardens Act 1995** by Acts and subordinate instruments.

Miscellaneous Acts (Omnibus No. 3) Act 1997, No. 45/1997

Assent Date: 11.6.97
Commencement Date: S. 40 on 29.4.96: s. 2(2); s. 39 on 11.6.97: s. 2(1)
Current State: This information relates only to the provision/s amending the **Zoological Parks and Gardens Act 1995**

Public Sector Reform (Miscellaneous Amendments) Act 1998, No. 46/1998

Assent Date: 26.5.98
Commencement Date: S. 7(Sch. 1) on 1.7.98: s. 2(2)
Current State: This information relates only to the provision/s amending the **Zoological Parks and Gardens Act 1995**

Statute Law Revision Act 2000, No. 74/2000

Assent Date: 21.11.00
Commencement Date: S. 3(Sch. 1 item 146) on 22.11.00: s. 2(1)
Current State: This information relates only to the provision/s amending the **Zoological Parks and Gardens Act 1995**

Public Administration Act 2004, No. 108/2004

Assent Date: 21.12.04
Commencement Date: S. 117(1)(Sch. 3 item 239) on 5.4.05: Government Gazette 31.3.05 p. 602
Current State: This information relates only to the provision/s amending the **Zoological Parks and Gardens Act 1995**

Public Sector Acts (Further Workplace Protection and Other Matters) Act 2006, No. 80/2006

Assent Date: 10.10.06
Commencement Date: S. 26(Sch. item 119) on 11.10.06: s. 2(1)
Current State: This information relates only to the provision/s amending the **Zoological Parks and Gardens Act 1995**

Statute Law Revision Act 2011, No. 29/2011

Assent Date: 21.6.11
Commencement Date: S. 3(Sch. 1 item 112) on 22.6.11: s. 2(1)
Current State: This information relates only to the provision/s amending the **Zoological Parks and Gardens Act 1995**

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Fences Amendment Act 2014, No. 30/2014

Assent Date: 15.4.14
Commencement Date: S. 15 on 22.9.14: Special Gazette (No. 317) 16.9.14
p. 1
Current State: This information relates only to the provision/s
amending the **Zoological Parks and Gardens Act
1995**

Filming Approval Act 2014, No. 51/2014

Assent Date: 12.8.14
Commencement Date: S. 9(Sch. 2 item 23) on 1.3.15: s. 2(2)
Current State: This information relates only to the provision/s
amending the **Zoological Parks and Gardens Act
1995**

Parks and Crown Land Legislation Amendment Act 2017, No. 53/2017

Assent Date: 24.10.17
Commencement Date: Ss 56–66 on 15.12.17: Special Gazette (No. 433)
12.12.17 p. 1
Current State: This information relates only to the provision/s
amending the **Zoological Parks and Gardens
Act 1995**

3 Amendments Not in Operation

There are no amendments which were Not in Operation at the date of this publication.

4 Explanatory details

No entries at date of publication.