



NORFOLK ISLAND NATIONAL PARK AND NORFOLK ISLAND BOTANIC GARDEN ACT 1984

[Consolidated as at 4 July 2002
on the authority of the Administrator
and in accordance with
the *Enactments Reprinting Act 1980*]

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NORFOLK



ISLAND

Norfolk Island National Park And Norfolk Island Botanic Garden Act 1984

An Act to establish the Norfolk Island National Park and the Norfolk Island Botanic Garden

BE IT ENACTED by the Legislative Assembly of Norfolk Island as follows —

Short title

1. This Act may be cited as the *Norfolk Island National Park and Norfolk Island Botanic Garden Act 1984*.

Definitions

1A. In this Act, unless the contrary intention appears —

“animal” means a member, alive or dead, of the animal kingdom (other than a human being), and includes —

- (a) eggs or parts of eggs; and
- (b) the skin, feathers, horns, shell or any other part of an animal;

“approved person” means a person, a person included in a class of persons or a class of persons appointed under section 7 to be an approved person or class of persons;

“officer” means a person appointed to be an officer under section 4;

“Park” means the Norfolk Island National Park and includes the Norfolk Island Botanic Garden;

“plant” means a member, alive or dead, of the plant kingdom or of the fungus kingdom and includes seeds and parts of plants;

“wildlife” means —

- (a) animals and plants that are indigenous to Norfolk Island;
- (b) migratory animals that periodically or occasionally visit Norfolk Island or the sea around Norfolk Island; and
- (c) animals and plants of a kind introduced into Norfolk Island directly or indirectly.

National Park

2. Subject to section 2A, the Norfolk Island National Park is, and is to be taken at all times to have been, the area known as the Mount Pitt reserve in existence immediately before the commencement of this Act.

Declaration of National Park

2A. The Administrator may, by notice in the Gazette —

- (a) alter the boundaries; and
- (b) amend the description,

of the Norfolk Island National Park, but not so as to extend beyond the area declared to be the Norfolk Island National Park under the *National Parks and Wildlife Conservation Act 1975* of the Commonwealth.

Botanic Garden

3. Subject to section 3A, the Norfolk Island Botanic Garden is, and is to be taken at all times to have been, the aggregate of the 2 public reserves declared under the *Commons and Public Reserves Act 1936* by Proclamation published in the Gazette on 15 December 1977 and in existence immediately before the commencement of this Act.

Declaration of Botanic Garden

3A. The Administrator may, by notice in the Gazette —

- (a) alter the boundaries; and
- (b) amend the description,

of the Norfolk Island Botanic Garden, but not so as to extend beyond the area declared to be the Norfolk Island Botanic Garden under the *National Parks and Wildlife Conservation Act 1975* of the Commonwealth.

Officers

4. (1) The executive member may appoint persons to be officers for the purposes of this Act and the Regulations.

(2) The designation of the officers referred to in subsection 4(1) shall be as prescribed.

(3) An appointment made under subsection 4(1) shall be by notice published in the Gazette.

General powers of officers

5. (1) An officer may, in the Park, search a vehicle or aircraft if he believes on reasonable grounds that there is in or on the vehicle or aircraft —

- (a) an animal, plant or article in respect of which an offence against this Act has been committed; or
- (b) anything that will afford evidence as to the commission of an offence against this Act,

and for that purpose stop or detain a vehicle or aircraft.

(2) An officer may, in the Park —

- (a) require a person whom he finds committing, or whom he reasonably suspects of having committed, an offence against this Act to state his full name and usual place of residence;
- (b) require a person whom he finds committing, or whom he reasonably suspects of having committed, an offence against this Act to leave the Park; and
- (c) require a person whom he reasonably suspects of having done an act in respect of which the person is required to hold a licence, permit or other authority under this Act to produce the licence or permit or evidence of the authority.

(3) Where an officer, in the Park —

- (a) stops, or proposes to search or detain, a vehicle or aircraft; or
- (b) makes a requirement of a person in pursuance of subsection 5(2),

the officer shall produce written evidence of his appointment as an officer for inspection by the person in charge of the vehicle or aircraft or the person referred to in paragraph 5(3)(b), and if the officer fails to do so —

- (c) he is not authorised to search or detain the vehicle or aircraft; or
- (d) the person is not obliged to comply with the requirement,

as the case may be.

(4) An officer may, in the Park, seize —

- (a) an animal or plant that he reasonably believes to have been killed or taken in contravention of this Act; or
- (b) an animal that he reasonably believes to have been used or otherwise involved in the commission of an offence against this Act.

(5) Where an animal or plant has been seized under subsection (4), the officer may cause it to be —

- (a) retained; or
- (b) sold or otherwise disposed of.

(6) A person shall not, without reasonable cause, fail to comply with a requirement made of him by an officer under subsection 5(1) or 5(2).

Penalty: 5 penalty units.

Confiscation and forfeiture

6. (1) Where a Court convicts a person of an offence against this Act, the Court may order the forfeiture to the Administration of any article used or otherwise involved in the commission of the offence.

(2) An officer may, in the Park, seize an article that the officer reasonably believes to have been used or otherwise involved in the commission of an offence against this Act and may retain it until the expiration of a period of 60 days after the seizure or, if a prosecution for an offence against this Act in the commission of which it may have been used or otherwise involved is instituted within that period, until the prosecution is terminated.

Approved person

7. The executive member may appoint in writing a person, a person included in a class of persons or a class of persons to be an approved person or class of persons for the purpose of this Act or the Regulations.

Regulations

8. (1) The Administrator may make Regulations, not inconsistent with this Act, prescribing matters —

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without limiting the generality of subsection 8(1), Regulations may be made —

- (a) providing for the protection and conservation of wildlife;
- (b) regulating or prohibiting the pollution of soil, air or water in a manner that is, or is likely to be, harmful to people or wildlife in, or to the natural features of, the Park;
- (c) regulating or prohibiting tourism in the Park;
- (d) providing for the protection and preservation of the Park and property and things in the Park;
- (e) regulating or prohibiting access to the whole or part of the Park by persons or classes of persons;
- (f) providing for the removal of trespassers from the Park;
- (g) regulating or prohibiting camping in the Park;
- (h) providing for the safety of persons in the Park;
- (j) regulating or prohibiting the use of fire in the Park;
- (k) regulating the conduct of persons in the Park;
- (m) regulating or prohibiting the carrying on of trade or commerce in the Park;
- (n) regulating or prohibiting the use of vehicles in the Park;
- (o) providing for the removal of vehicles from places in the Park where they have been left in contravention of the regulations or have been abandoned and for the impounding of such vehicles;
- (p) regulating or prohibiting the landing and use of aircraft and hovercraft in, and the flying of aircraft over, the Park;
- (q) providing for giving effect to plans of management in relation to the Park;

- (r) regulating or prohibiting the taking of animals or plants into, or out of, the Park;
- (s) providing for the impounding, removal, destruction or disposal of animals found straying in the Park;
- (t) regulating or prohibiting the taking into the Park, and the use in the Park, of weapons, traps, nets, snares and other devices;
- (u) regulating or prohibiting the laying of baits and the use of explosives and poisons in the Park;
- (v) providing for the collection of specimens and the pursuit of research in the Park for scientific purposes;
- (w) providing for the issue of licences, permits and authorities and the conditions subject to which they are issued;
- (x) prescribing fees for any matter under the Act or the Regulations; and
- (y) prescribing penalties not exceeding a fine of 5 penalty units for a contravention or breach of the Regulations.

(3) The Regulations may prescribe provisions that do not apply to an officer referred to in section 4 or to an approved person.

NOTES

The *Norfolk Island National Park and Norfolk Island Botanic Garden Act 1984* as shown in this consolidation comprises Act No. 4 of 1985 and amendments as indicated in the Tables below.

Enactment	Number and year	Date of commencement	Application saving or transitional provision
<i>Norfolk Island National Park and Norfolk Island Botanic Garden Act 1984</i>	4, 1985	12.2.85	
<i>Norfolk Island National Park and Norfolk Island Botanic Garden (Amendment) Act 1985</i>	12, 1986	15.5.86	
<i>Public Reserves (Consequential Provisions) Act 1997</i>	9, 1997	23.6.97	

Table of Amendments

ad = added or am = amended rep = repealed rs = repealed and
inserted substituted

Provisions affected	How affected	
1A	ad	12, 1986
2	am	12, 1986
	rs	9, 1997
2A	ad	12, 1986
3	am	12, 1986
	rs	9, 1997
3A	ad	12, 1986
4	rs	12, 1986
5	ad	12, 1986
6	ad	12, 1986
7	ad	12, 1986
8	ad	12, 1986

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