



Western Australia

Conservation and Land Management Amendment Act 2022

As at 31 Aug 2022

No. 27 of 2022

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Conservation and Land Management Amendment Act 2022

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Western Australia

Conservation and Land Management Amendment Act 2022

No. 27 of 2022

An Act to amend the *Conservation and Land Management Act 1984*.

[Assented to 31 August 2022]

The Parliament of Western Australia enacts as follows:

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1. Short title

This is the *Conservation and Land Management Amendment Act 2022*.

2. Commencement

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on the day after that day.

3. Act amended

This Act amends the *Conservation and Land Management Act 1984*.

4. Section 3 amended

In section 3 in the definition of *joint responsible body* paragraph (a) after “vested with” insert:

waters,

5. Section 7 amended

After section 7(1B)(a) insert:

- (aa) waters, land, or land and waters, that are vested under section 8AA(4A) or (5A); or

6. Section 8AA amended

(1) After section 8AA(2) insert:

(2A) The Minister, after consultation with the Commission, may make a written determination that —

- (a) waters, land, or land and waters, that are proposed to be a marine reserve, or part of a marine reserve, are, when reserved under section 13, the *Land Administration Act 1997* Part 4 or any other Act, to be vested jointly in the Commission and a specified Aboriginal body corporate; or
- (b) a marine reserve, or part of a marine reserve, that is vested solely in the Commission is to be vested jointly in the Commission and a specified Aboriginal body corporate.

(2) In section 8AA(3) after “subsection (2)” insert:

or (2A)

(3) After section 8AA(4) insert:

(4A) Waters, land, or land and waters, in respect of which a determination is made under subsection (2A)(a) are, when reserved under section 13, the *Land Administration Act 1997* Part 4 or any other Act, by this subsection vested jointly in the Commission and the Aboriginal body corporate.

- (4) After section 8AA(5) insert:
- (5A) Waters, land, or land and waters, in respect of which a determination is made under subsection (2A)(b) are, on and from the date of the determination or a later date that is specified in the determination, by this subsection vested jointly in the Commission and the Aboriginal body corporate.
- (5) Delete section 8AA(7) to (9) and insert:
- (6A) Action under subsection (5A) does not change the purpose for which the waters, land, or land and waters are reserved under section 13, the *Land Administration Act 1997* or any other Act.
- (7) In the case of waters, land, or land and waters, that are vested jointly in the Commission and an Aboriginal body corporate under subsection (4), (4A), (5) or (5A), the functions of the Aboriginal body corporate in relation to the waters, land, or land and waters are limited to those conferred on a joint responsible body by this Act.
- (8) If an Aboriginal body corporate in which waters, land, or land and waters are vested under this section is deregistered under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Commonwealth) Part 12-1 or 12-2, the waters, land, or land and waters cease to be vested in the Aboriginal body corporate and by this section vest solely in the Commission.

- (9) The Minister may revoke or amend a determination made under subsection (2) or (2A) at any time before the vesting under subsection (4), (4A), (5) or (5A) of the waters, land, or land and waters in respect of which the determination is made.

Note: The heading to amended section 8AA is to read:

Waters, land, or land and waters may be vested jointly in Commission and Aboriginal body corporate

7. Section 8C amended

- (1) In section 8C(1) insert in alphabetical order:

relevant provision means a provision of Part IX or of regulations made for the purposes of that Part.

- (2) In section 8C(1) in the definition of *eligible land* paragraph (b) delete “section.” and insert:

section;

- (3) Delete section 8C(2) and insert:

- (2) On the recommendation of the Minister and the Land Administration Minister, the Governor, by order —

(a) may —

- (i) place any eligible land under the management of the CEO; and
(ii) specify the CEO’s functions in relation to managing the land;

and

- (b) if paragraph (a) applies — must specify any relevant provision that is to apply to the land.
- (2A) Without limiting subsection (2)(a)(ii) or the application of section 33(1) to section 8C land, the CEO's functions that may be specified under subsection (2)(a)(ii) include the functions referred to in section 33(1)(ca) and (cc) and any other function prescribed for the purposes of this subsection.
- (2B) Subject to section 102(1A)(a), a relevant provision cannot apply to eligible land that is the subject of an order made under subsection (2) unless the order specifies the provision under subsection (2)(b).

8. Section 13AA amended

After section 13AA(2) insert:

- (2A) If a Class A marine reserve that is proposed to be the subject of an order under subsection (2) is vested jointly with the Commission and an Aboriginal body corporate under section 8AA(4A) or (5A), consultation under subsection (2) must include consultation with the Aboriginal body corporate.

9. Section 13B amended

In section 13B(1) delete “fauna” and insert:

fauna, the protection and conservation of the value of the marine park to the culture and heritage of Aboriginal persons

10. Section 19 amended

Delete section 19(1)(a)(i) and insert:

- (i) State forest and timber reserves;
- (ia) marine reserves, either solely or jointly with an Aboriginal body corporate;

11. Section 21 amended

In section 21(5) delete “chairman” (each occurrence) and insert:

chairperson

12. Section 23 amended

In section 23(2)(b) and (c) and (3) delete “chairman” and insert:

chairperson

13. Section 33 amended

In section 33(1)(ha) delete “(ea) and (gb); and” and insert:

(fa) and (hb); and

14. Section 89 amended

In section 89(1) delete “prescribed form, and” and insert:

form approved by the CEO and,

15. Section 90 amended

In section 90 delete “prescribed form” and insert:

form approved by the CEO

16. Section 99 amended

In section 99(2):

- (a) delete “Subsection (1)(a), (aa) and (ab)” and insert:

Subsection (1)(a) and (aa)

- (b) delete “or (ab)”.

17. Section 102 amended

- (1) In section 102(1) in the definition of *land to which this Part applies* delete paragraph (b) and insert:

- (b) subject to subsection (1A), section 8C land; and

- (2) After section 102(1) insert:

- (1A) A reference in a provision of this Part, or of regulations made for the purposes of this Part, to *land to which this Part applies* includes —

- (a) in the case of section 103A or regulations made for the purposes of that section — a reference to section 8C land; and
- (b) in the case of any other provision — a reference to section 8C land if the relevant order specifies the provision under section 8C(2)(b).

18. Schedule 1 clause 3 amended

- (1) In Schedule 1 clause 3(1):
- (a) delete “chairman” (each occurrence) and insert:

chairperson
 - (b) delete “chairman,” and insert:

chairperson,
 - (c) delete “chairman.” and insert:

chairperson.

- (2) In Schedule 1 clause 3(5) delete “chairman” and insert:

chairperson

Note: The heading to amended Schedule 1 clause 3 is to read:

Acting chairperson and members

19. Schedule 1 clause 4 amended

- (1) In Schedule 1 clause 4(1) delete “chairman” and insert:

chairperson
- (2) Delete Schedule 1 clause 4(2)(a) and insert:
- (a) the chairperson; or

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- (3) In Schedule 1 clause 4(3) delete “chairman, the deputy chairman” and insert:

chairperson, the deputy chairperson

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