

Western Australia

**Acts Amendment (Reserves and Reserve  
Boards) Act 2003**

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As at 15 Dec 2003

No. 76 of 2003

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## **Acts Amendment (Reserves and Reserve Boards) Act 2003**

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**Acts Amendment (Reserves and Reserve  
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**No. 76 of 2003**

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**An Act to amend the *Land Administration Act 1997* and the *Parks and Reserves Act 1895*.**

*[Assented to 15 December 2003]*

The Parliament of Western Australia enacts as follows:

## **Part 1 — Preliminary**

**1. Short title**

This Act may be cited as the *Acts Amendment (Reserves and Reserve Boards) Act 2003*.

**2. Commencement**

This Act comes into operation on the day on which it receives the Royal Assent.

**Part 2 — *Land Administration Act 1997***

**3. The Act amended**

The amendment in this Part is to the *Land Administration Act 1997*\*.

[\* *Reprinted as at 22 June 2001.*

*For subsequent amendments see Western Australian  
Legislation Information Tables for 2002, Table 1, p. 203.]*

**4. Section 51A inserted**

After section 51 the following section is inserted —

“

**51A. Certain land to be regarded as having been reserved under s. 41**

- (1) The regulations may prescribe land that has been reserved to the Crown for one or more purposes in the public interest —
  - (a) by or under a written law other than section 41; and
  - (b) before 30 March 1998.
- (2) Land prescribed by regulations referred to in subsection (1) is, by virtue of this subsection, to be regarded as having been reserved to the Crown under section 41 —
  - (a) for the purpose or purposes for which it was reserved by or under the other written law; and
  - (b) with the classification, if any, given by or under the other written law.
- (3) A reference in section 42(2) to the relevant order made under section 41 is, in relation to land prescribed by regulations referred to in subsection (1), a reference to the written law, or to the instrument under the written law, by which the land was reserved, as is relevant to the case.

”.

### **Part 3 — Parks and Reserves Act 1895**

#### **5. The Act amended**

The amendments in this Part are to the *Parks and Reserves Act 1895*\*

[\* *Reprinted as at 5 March 1999.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2002, Table 1, p. 274.]*

#### **6. Long title amended**

The long title is amended by deleting “Management of Parks and Reserves vested in” and inserting instead —

“ **control and management of certain land reserved to** ”.

#### **7. Section 2 amended**

Section 2 is amended as follows:

- (a) in the definition of “authorized person” by deleting “park reserve committed to” and inserting instead —  
“ land placed under the control of ”;
- (b) in the definition of “Board” by deleting “of Parks and Reserves”;
- (c) by deleting the definition of “parks and reserves”.

#### **8. Section 3 amended**

(1) Section 3(5) is amended as follows:

- (a) by deleting “a reserve” and inserting instead —  
“ land ”;
- (b) by deleting “reserve under” and inserting instead —  
“ land under the control of ”.



(2) After section 3(6) the following subsections are inserted —

“

- (7) Subject to section 15, the Governor may, by order, dissolve a Board that is constituted a body corporate under subsection (4).
- (8) An appointment of a person as a member of a Board is revoked on the dissolution of the Board under subsection (7).

”.

**9. Section 4 amended**

Section 4 is amended by deleting “parks and reserves so committed to them,” and inserting instead —

“ land placed under its control, ”.

**10. Section 5 amended**

(1) Section 5(1) is amended as follows:

- (a) by deleting “parks and reserves committed to them, a Board of control and management” and inserting instead —  
“ land placed under its control, a Board ”;
- (b) in paragraph (a) by deleting “such parks or reserves,” and inserting instead —  
“ the land, ”;
- (c) in paragraph (c) by deleting “such parks or reserves,” and inserting instead —  
“ the land, ”;
- (d) in paragraph (c) by deleting “such parks and reserves” and inserting instead —  
“ the land ”;

**s. 11**

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- (e) in paragraph (e) by deleting “such park lands and reserves,” and inserting instead —  
“ the land, ”.

- (2) Section 5(1a)(b) is amended by deleting “committed to” and inserting instead —  
“ placed under the control of ”.

**11. Section 7A amended**

- (1) Section 7A(1)(a) is amended by deleting “a park or reserve;” and inserting instead —  
“ land placed under the control of the Board; ”.
- (2) Section 7A(2) is amended by deleting “a park or reserve” and inserting instead —  
“ land placed under the control of the Board ”.

**12. Section 8 amended**

Section 8(1) is amended as follows:

- (a) by deleting “parks and reserves committed to them,” and inserting instead —  
“ land placed under its control, ”;
- (b) in subparagraphs (a), (b) and (c) of the 8<sup>th</sup> paragraph by deleting “park lands and reserves;” and inserting instead —  
“ the land; ”;
- (c) in the 10<sup>th</sup> paragraph by deleting “, on, or in the park lands and reserves;” and inserting instead —  
“ or on the land; ”;
- (d) in the 17<sup>th</sup> paragraph by deleting “goods, wares, or merchandise on the park lands and reserves;” and inserting instead —

- “ of goods, wares, or merchandise on the land; ”;
- (e) in the 18<sup>th</sup> paragraph by deleting “in the park lands and reserves;” and inserting instead —
- “ on the land; ”;
- (f) in the 19<sup>th</sup> paragraph by deleting “in the park lands and reserves, and the fouling of any ornamental water therein;” and inserting instead —
- “
- on the land, and the fouling of any ornamental water on the land;
- ”;
- (g) by deleting “park lands and reserves” in the other 8 places where it occurs and inserting instead —
- “ land ”.

**13. Section 9 amended**

Section 9 is amended by deleting “parks and reserves for the time being committed to” and inserting instead —

“ land placed under the control of ”.

**14. Section 10 repealed**

Section 10 is repealed.

**15. Section 12A amended**

Section 12A(1)(a) is amended by deleting “in a park or reserve committed to” and inserting instead —

“ on land placed under the control of ”.

**16. Sections 15, 16 and 17 inserted**

After section 14 the following sections are inserted —

“

**15. Arrangements for staff before dissolution of Boards that are bodies corporate**

- (1) In this section —  
“**staff member**”, in relation to a particular Board,  
means a person appointed under section 7(1) by  
that Board.
- (2) A Board cannot be dissolved under section 3(7) unless —
  - (a) the Minister, after consultation with the Minister for Public Sector Management, has nominated a person or other body in the Public Sector to be the employer of the Board’s staff members on the dissolution of the Board, and the employment of each staff member who has agreed to being employed by that person or body has been arranged with that person or body; or
  - (b) each staff member whose re-employment is not arranged under paragraph (a) is covered by the provisions applicable under Part 6 of the *Public Sector Management Act 1994*.
- (3) Except as otherwise agreed by a staff member of a Board, the remuneration, existing or accrued rights, rights under a superannuation scheme or continuity of service of the staff member are not affected, prejudiced or interrupted by —
  - (a) a change in employment arranged under subsection (2)(a); or
  - (b) the dissolution of the Board.

**16. Regulations as to matters consequent on dissolution of Boards that are bodies corporate**

- (1) The Governor, with the approval of the Treasurer, may make regulations prescribing all matters that are

required, necessary or convenient to be prescribed in relation to anything to be done, or that occurs, because of the dissolution of a Board.

- (2) Without limiting subsection (1), regulations may be made in relation to all or any of the following matters —
- (a) the disposition of, or dealing with, the property of a Board, on the Board's dissolution;
  - (b) the transfer or discharge of a Board's rights and liabilities, on the Board's dissolution;
  - (c) the continuation of proceedings or remedies by or against a Board that were pending immediately before the Board's dissolution;
  - (d) the commencement of proceedings or remedies that could have been taken by or against a Board if the Board had not been dissolved;
  - (e) the continuation of the effect of any agreement, instrument or policy of insurance to which the Board was a party immediately before the Board's dissolution;
  - (f) the interpretation of references in a written law or a document referred to in paragraph (e) to a Board that has been dissolved;
  - (g) any act, matter or thing done or omitted to be done by a Board in relation to its rights and liabilities before its dissolution;
  - (h) taking possession of books, documents or other records, however compiled or stored, relating to the operations of a Board, on the Board's dissolution;
  - (i) the making and submission of any outstanding annual report and a final report relating to the operations of a Board before its dissolution, and

the documents and reports to accompany those reports and for that purpose, to provide, despite the dissolution of the Board —

- (i) for the continuation of the Board, constituted by a person specified in the regulations on the terms specified in the regulations, with the powers necessary or convenient for the purposes of making and submitting the reports; and
  - (ii) for the continued application of section 12 to the Board until the reports and accompanying documents and reports are tabled in Parliament.
- (3) Different provisions of regulations under this section may come into operation on different days.
- (4) In this section —  
“**dissolution**” means dissolution under section 3(7);  
“**liabilities**” includes duties and obligations;  
“**rights**” includes powers, privileges and immunities.

**17. Exemption from State taxation in relation to dissolution of Boards that are bodies corporate**

- (1) In this section —  
“**State tax**” includes stamp duty chargeable under the *Stamp Act 1921* and any other tax, duty, fee, levy or charge under a law of the State.
- (2) State tax is not payable in relation to —
- (a) anything that occurs because of the dissolution of a Board under section 3(7); or
  - (b) anything done (including a transaction entered into or an instrument or document of any kind made, executed, lodged or given) under

regulations made under section 16, or for a purpose connected with or arising out of the dissolution of a Board under section 3(7).

- (3) The Treasurer or a person authorised by the Treasurer may certify in writing that —
- (a) a specified thing occurred because of the dissolution of a Board under section 3(7); or
  - (b) a specified thing was done under regulations made under section 16, or for a purpose connected with or arising out of the dissolution of a Board under section 3(7),

and such a certificate is conclusive evidence of that fact, unless the contrary is shown.

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