

ACTS AMENDMENT
(CONSERVATION AND
LAND MANAGEMENT).

No. 112 of 1984.

AN ACT to amend the Wildlife Conservation Act 1950, the Land Act 1933, the Bush Fires Act 1954, the Agriculture and Related Resources Protection Act 1976, the Fisheries Act 1905, and the Public Works Act 1902.

[Assented to 19 December 1984.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.—PRELIMINARY.

1. This Act may be cited as the *Acts Amendment (Conservation and Land Management) Act 1984*. Short title.

Commence-
ment.

2. This Act shall come into operation on the day fixed for the commencement of the Conservation and Land Management Act 1984.

PART II.—WILDLIFE CONSERVATION ACT 1950.

Principal Act.
Reprinted
as approved
30 June 1980
and amended
by Act
No. 53 of 1980.

3. In this Part the Wildlife Conservation Act 1950 is referred to as the principal Act.

Section 6
amended.

4. Section 6 of the principal Act is amended in subsection (1)—

(a) by deleting the definitions of “Authority”, “Director”, “honorary wildlife officer”, “nature reserve”, “the Fund”, “wildlife officer” and “wildlife sanctuary”; and

(b) by inserting, in their appropriate alphabetical positions, the following definitions—

“ “Executive Director” means the Executive Director of the Department of Conservation and Land Management appointed under section 36 of the Conservation and Land Management Act 1984;

“Fund” means the Conservation and Land Management Fund referred to in section 65 of the Conservation and Land Management Act 1984;

“honorary wildlife officer” means a person appointed to be an honorary wildlife officer under section 46 of the Conservation and Land Management Act 1984;

“nature reserve” has the meaning assigned to it by sections 6 (4) and 16 (5) of the Conservation and Land Management Act 1984;

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“wildlife officer” means an officer designated as such under section 45 (1) (a) of the Conservation and Land Management Act 1984;

“wildlife sanctuary” means an area of land which is the subject of an agreement made under section 16 of the Conservation and Land Management Act 1984 for management as a nature reserve. ”.

5. Section 7 of the principal Act is repealed and the following section is substituted— Section 7 substituted.

“ 7. Subject to the direction and control of the Minister, this Act shall be administered by the Executive Director. ”. Administration.

6. Sections 9A, 10, 11, 12, 12A, 12B, 12C, 12D, 12E and 13 of the principal Act are repealed. Repeal of certain sections.

7. Section 15 of the principal Act is amended— Section 15 amended.

(a) in subsection (1b) by deleting “Conservator of Wildlife” and substituting the following—

“ Executive Director ”; and

(b) in subsection (3) (a), by deleting “Conservator of Wildlife” and substituting the following—

“ Executive Director ”.

8. Sections 17C, 17D, 17E and 17F of the principal Act are repealed. Sections 17C, 17D, 17E and 17F repealed.

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Section 19
repealed.

9. Section 19 of the principal Act is repealed.

Section 23
amended.

10. Section 23 of the principal Act is amended in subsection (2) by deleting "Conservator of Wildlife" and substituting the following—

“ Executive Director ”.

Section 23C
amended.

11. Section 23C of the principal Act is amended—

(a) in subsection (3) (a) by deleting "Conservator of Wildlife" and substituting the following—

“ Executive Director ”; and

(b) in subsection (4)—

(i) in paragraph (a) by deleting "Conservator of Wildlife" and substituting the following—

“ Executive Director ”; and

(ii) in paragraph (b) by deleting "Conservator" and substituting the following—

“ Executive Director ”.

Section 24
repealed.

12. Section 24 of the principal Act is repealed.

Section 26
amended.

13. Section 26 of the principal Act is amended in subsection (3) by inserting immediately before "Director", in both places where it occurs, the following—

“ Executive ”.

Section 27B
amended.

14. Section 27B of the principal Act is amended by deleting "Conservator of Wildlife" and substituting the following—

“ Executive Director ”.

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and Land Management)*.

15. Section 28 of the principal Act is amended— Section 28
amended.

(a) in subsection (1) by deleting paragraphs
(a) to (am), and paragraph (k); and

(b) by deleting subsection (3).

16. Part XII of the Conservation and Land Management Act 1984 shall have effect, so far as it is applicable, for the purpose of the amendments made by this Part. Savings and
transitional.

PART III—LAND ACT 1933.

17. In this Part the Land Act 1933 is referred to as the principal Act. Principal Act.
Reprinted
as approved
17 May 1973
and amended
by Acts
Nos. 73 of
1977,
107 of 1978,
65 and 97
of 1980 and
77, 78, 79 and
94 of 1982.

18. After section 31 of the principal Act, the following section is inserted— Section 31A
inserted.

“ 31A. Land that, after the commencement of the Acts Amendment (Conservation and Land Management) Act 1984, is reserved under section 29 for the purpose of a national park shall, by force of this section, remain a national park until, by an Act in which the land is specified, it is otherwise enacted. ” Restriction
on abolition
of national
parks.

19. Section 37 of the principal Act is amended by deleting “section thirty-one” and substituting the following— Section 37
amended.

“ sections 31 and 31A ”.

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Section 37B
inserted.

20. After section 37A of the principal Act, the following section is inserted—

Limitation
of this Part.

“ 37B. (1) This Part is subject to—

- (a) subsections (2), (3) and (5) of section 7 of the Conservation and Land Management Act 1984, and no land that is reserved under this Part and referred to in those subsections and thereby vested in the Authority constituted under that Act shall be vested or disposed of under this Part;
- (b) subsection (4) of section 7 of that Act, and no land that is reserved under this Part and referred to in that subsection and thereby vested in the Authority constituted under that Act either solely or jointly with some other body or bodies shall be vested or disposed of, or the vesting amended, under this Act, otherwise than in relation to the interest of the other body or bodies therein;
- (c) sections 8 and 10 of that Act, and no land shall be reserved under this Part as a State forest or timber reserve;
- (d) section 17 of that Act, and the purpose for which land to which that section applies was reserved, shall not be cancelled or amended, or the boundaries of that land altered other than by addition thereto, except in accordance with that section;
- (e) sections 19 (3) and 22 (3) of that Act; and
- (f) Part V of that Act, and the Minister shall not exercise the power conferred on him by section 34A in respect of land to which that Act applies.

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(2) Section 32 shall not apply to a national park, nature reserve, marine nature reserve or marine park within the meaning of the Conservation and Land Management Act 1984 or any land referred to in section 5 (g) of that Act.

(3) Where land is vested by order under this Act as mentioned in section 5 (g) of the Conservation and Land Management Act 1984, a power to lease shall not be conferred by the order on either the Commission or the Authority constituted under that Act. ”.

PART IV.—BUSH FIRES ACT 1954.

21. In this Part the Bush Fires Act 1954 is referred to as the Principal Act.

Principal Act.
Reprinted
as approved
21 June 1978
and amended
by Acts
Nos. 51 of
1979 and 95
of 1981.

22. Section 7 of the principal Act is amended by deleting the definition of “forest land” and substituting the following—

Section 7
amended.

“ “forest land” means State forest and timber reserves within the meaning of the Conservation and Land Management Act 1984 and any land to which section 131 of that Act applies; ”.

23. Section 8 of the principal Act is amended, in subsection (3), by deleting paragraphs (c), (j) and (k) and substituting the following—

Section 8
amended.

“ (c) 3 persons nominated by the Minister to whom the administration of the Conservation and Land Management Act 1984 is for the time being committed; ”.

Section 49 amended.

24. Section 49 of the principal Act is amended by deleting paragraph (c) and substituting the following—

“ (c) a forest officer where the fire has originated or extended within 3 kilometres of forest land. ”.

PART V.—AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976.

Section 94 amended. Reprinted as approved 10 February 1981 and amended by Acts Nos. 76 of 1981 and 31 of 1983.

25. The Agriculture and Related Resources Protection Act 1976 is amended, in section 94 (1) (b), by deleting subparagraph (iv) and substituting the following—

“ (iv) the Executive Director of the Department of Conservation and Land Management, that any person is registered in that Department as the holder of a permit, licence or lease under Part VIII of the Conservation and Land Management Act 1984; ”.

PART VI.—FISHERIES ACT 1905.

Section 30 amended. Reprinted as approved 15 March 1976 and amended by Acts Nos. 60 of 1979, 73 of 1981 and 70 of 1982.

26. The Fisheries Act 1905 is amended, in section 30, by inserting after subsection (1) the following—

“ (1a) No order shall be made under this section—

(a) in respect of waters and land which comprise a marine nature reserve or a marine park under the Conservation and Land Management Act 1984; or

(b) for any purpose for which a marine nature reserve or marine park could be constituted under that Act. ”.

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PART VII.—PUBLIC WORKS ACT 1902.

27. The Public Works Act 1902 is amended, in section 2, in the definition of "Crown land", by inserting after "Land Act, 1933" the following—

Section 2
amended.
Reprinted as
approved 13
June 1978;
amended by
Act No. 67
of 1979.

" or any national park referred to in section 6 (3) (b) of the Conservation and Land Management Act 1984. "
