

**ACTS AMENDMENT  
(ABORIGINAL AFFAIRS  
PLANNING AUTHORITY).**

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**No. 107 of 1982.**

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**AN ACT to amend the Aboriginal Affairs Planning Authority Act 1972-1973 and the Petroleum Act 1967-1981.**

*[Assented to 7 December 1982.]*

**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 (Aboriginal Affairs Planning Authority) Act 1982.* Short title.

PART II—ABORIGINAL AFFAIRS PLANNING  
AUTHORITY ACT 1972-1973.

Citation.

Act No. 24 of  
1972 as  
amended by  
Act No. 100  
of 1973.

2. (1) In this Part the Aboriginal Affairs Planning Authority Act 1972-1973 is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Aboriginal Affairs Planning Authority Act 1972-1982.

Section 21A  
inserted.

3. The principal Act is amended by inserting after section 21 the following section—

Delegation  
of certain  
functions  
by Aboriginal  
Lands Trust.

“ 21A. (1) Subject to this section, when regulations made under this Act—

- (a) confer on the Minister power to grant an authority to a person to enter or remain in any reserved lands (in this section called an “entry authority”); and
- (b) require the Minister to consult the Trust before granting an entry authority,

the Trust may by notice published in the *Gazette* and either generally or as otherwise provided by that notice delegate to—

- (c) a member of the Trust; or
- (d) an officer of the Authority,

specified in that notice its functions in respect of the consultation referred to in paragraph (b) of this subsection.

(2) Subsection (1) of this section does not empower the Trust to delegate to a member of the Trust or an officer of the Authority its functions referred to in that subsection in relation to a person who—

(a) applies to the Minister for an entry authority for—

(i) the purpose of exercising rights over the reserved lands to which that application relates or over the mineral resources of those reserved lands; or

(ii) any purpose related to the purpose referred to in subparagraph (i) of this paragraph;

and

(b) is not a person to whom subsection (3) of this section applies.

(3) This subsection applies to every person who—

(a) carries on the business of exploring for or exploiting or exploring for and exploiting any mineral resources;

(b) holds an entry authority; and

(c) by reason of a change in the personnel employed by him or acting on his behalf in or in connection with the reserved lands to which the entry authority held by him relates applies to the Minister for that entry authority to be replaced by a fresh entry authority in relation to those reserved lands.

(4) For the purposes of this Act, the performance of the functions referred to in subsection (1) of this section by the person to whom those functions are delegated shall be deemed to be the performance of those functions by the Trust.

(5) A delegation under this section may be—

- (a) made subject to such conditions, qualifications and exceptions as are set out in the notice concerned; and
- (b) revoked or varied by notice made by the Trust and published in the *Gazette*.

(6) The Trust may perform any function referred to in subsection (1) of this section notwithstanding that it has delegated that function under this section.

(7) To the extent that the performance of any functions which the Trust is empowered by this section to delegate is dependent on the opinion, belief or state of mind of the Trust in relation to a matter, those functions when delegated under this section may be performed by the person to whom they are so delegated on the opinion, belief or state of mind of that person in relation to the matter.

(8) In this section—

“mineral resources” means resources of—

- (a) minerals as defined by section 8 of the Mining Act 1978; or
- (b) petroleum as defined by section 5 of the Petroleum Act 1967. ” .

Section 26  
amended.

4. Section 26 of the principal Act is amended in paragraph (b) by deleting “paragraph (a) of section 25” and substituting the following—

“ section 25 (1) (a) ” .

PART III—PETROLEUM ACT 1967-1981.

5. (1) In this Part the Petroleum Act 1967-1981 is referred to as the principal Act.

Citation.  
Act No. 72 of  
1967 as  
amended by  
Acts Nos. 94  
of 1972 and  
69 of 1981.

(2) The principal Act as amended by this Act may be cited as the Petroleum Act 1967-1982.

6. Section 7 of the principal Act is amended by inserting—

Section 7  
amended.

(a) after “7.” the following—

“ (1) ” ; and

(b) after the existing section the following subsection—

“ (2) The conferral by or under this Act or by any permit, licence, special prospecting authority or access authority of rights over any land to which Part III of the Aboriginal Affairs Planning Authority Act 1972 applies does not prevent or in any way affect the application of section 31 of that Act to any person exercising those rights. ” .

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