

WESTERN AUSTRALIA

CONSERVATION AND LAND MANAGEMENT AMENDMENT ACT 1992

No. 66 of 1992

AN ACT to amend the *Conservation and Land Management Act 1984* and for related purposes.

[Assented to 11 December 1992.]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Conservation and Land Management Amendment Act 1992*.

Commencement

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Principal Act

3. In this Act the *Conservation and Land Management Act 1984** is referred to as the principal Act.

[* *Act No. 126 of 1984.*

*For subsequent amendments see 1991 Index to
Legislation of Western Australia, pp. 40-1.]*

Section 4 amended

4. Section 4 (1) of the principal Act is amended by inserting after "128" the following —

" (1) ".

Section 34B amended

5. Section 34B of the principal Act is amended by inserting after subsection (6) the following subsection —

" (6a) The Executive Director may enter into a contract with any person for the doing by that person of anything that the Executive Director is authorized or required to do under a timber sharefarming agreement. "

Heading to Part VIII amended

6. The heading to Part VIII of the principal Act is amended by inserting after "LICENCES," the following —

" CONTRACTS, ".

Section 87 amended

7. Section 87 (1) of the principal Act is amended by inserting before the definition of “Crown land” the following definitions —

“ **“contract”** means a contract entered into under section 88 (1) (b);

“contract of sale” means a contract entered into under section 88 (1) (b) (i) for the sale of forest produce on or from Crown land; ”.

Section 88 amended

8. (1) Section 88 (1) of the principal Act is amended —

(a) by deleting paragraph (b) and substituting the following paragraph —

“ (b) contract on such terms and conditions as the Executive Director thinks fit for —

(i) the sale of; or

(ii) the doing by any person of any other act or thing in relation to, ”;

and

(b) by inserting after “forest produce on” the following —

“ or from ”.

(2) After section 88 (1) of the principal Act the following subsection is inserted —

“ (1a) Without limiting the generality of subsection (1) (b) (ii), the Executive Director may, under that subsection, enter into a contract with any

person for that person to fell, cut, prepare, take, remove or measure forest produce on or from Crown land and deliver the forest produce to a buyer under a contract of sale or move the forest produce to a place where it can be collected by a buyer under a contract of sale.

”.

(3) Section 88 (2) of the principal Act is amended —

(a) by deleting “of sale”; and

(b) by inserting after “in respect of” the following —

“ forest produce on ”.

Section 91 amended

9. (1) Section 91 (2) of the principal Act is amended by deleting “of sale”.

(2) Section 91 (3) of the principal Act is amended by deleting “of sale”.

Section 92 amended

10. (1) Section 92 (2) of the principal Act is amended by deleting “taken” and substituting the following —

“ sold ”.

(2) Section 92 (4) of the principal Act is amended by inserting after “contract” the following —

“ of sale ”.

Section 93 amended

11. Section 93 of the principal Act is amended by deleting "of sale".

Section 94 amended

12. Section 94 of the principal Act is amended by deleting "of sale".

Section 95 repealed and a section substituted

13. Section 95 of the principal Act is repealed and the following section is substituted —

Cancellation etc.

" 95. (1) A permit, licence or contract may be cancelled for contravention of any term or condition of the permit, licence or contract or of any provision of this Act, or in the case of a permit, licence or contract of sale, for default in the payment of the royalties, charges or fees payable under the permit, licence or contract of sale.

(2) A permit, licence or contract may contain provision for —

- (a) rights, obligations or privileges under the permit, licence or contract to be suspended;
- or
- (b) the payment to the Executive Director of a sum by way of penalty (not exceeding such maximum as may be prescribed),

for contravention of any term or condition of the permit, licence or contract or of any provision of this

Act, or in the case of a permit, licence or contract of sale, for default in the payment of the royalties, charges or fees payable under the permit, licence or contract of sale.

”.

Section 96 amended

14. Section 96 (4) of the principal Act is amended by deleting “of sale under this Part”.

Section 102 amended

15. Section 102 of the principal Act is amended —

(a) by inserting after the section designation “102.” the subsection designation “(1)”; and

(b) by inserting the following subsection —

“ (2) In order to avoid any doubt and without limiting the meaning of the expression “without lawful authority”, it is declared that, for the purposes of this Part, an act is done without lawful authority if it is done in contravention of any term or condition of a contract, permit, lease, licence or other authority under this Act.

”.

Section 107 amended

16. Section 107 of the principal Act is amended in paragraph (i) by deleting “without the written authority of an authorized officer” and substituting the following —

“ without lawful authority ”.

Section 128 amended

17. Section 128 (1) of the principal Act is amended in paragraph (d) —

- (a) in subparagraphs (ii) and (iii) by deleting “the furnishing of” in both places where it occurs and substituting in each place the following —

“ a system for recording, making available,
and otherwise dealing with ”;

- (b) by deleting “and” after subparagraph (iv); and

- (c) by inserting after subparagraph (vi) the following subparagraphs —

“ (vii) the weighing of forest produce or the
use of any other method to determine
the quantity of forest produce;

(viii) the identification of persons who fell
timber in State forests and timber
reserves and the registration of the
means of identification; and

(ix) the taking of firewood from State
forests and timber reserves; ”.

Validation

18. Every contract entered into by the Executive Director before the commencement of this Act that would have been lawful if the amendments to the principal Act effected by this Act had been in force at the time when it was entered into is declared to have been lawfully entered into and any act or thing done under such a contract is declared to have been lawfully done.