

Western Australia

# **Conservation and Land Management Amendment Bill 2021**

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Western Australia

LEGISLATIVE ASSEMBLY

**Conservation and Land Management  
Amendment Bill 2021**

**A Bill for**

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

The Parliament of Western Australia enacts as follows:

**s. 1**

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1   **1.     Short title**

2           This is the *Conservation and Land Management Amendment*  
3           *Act 2021*.

4   **2.     Commencement**

5           This Act comes into operation as follows —

6           (a)   sections 1 and 2 — on the day on which this Act  
7           receives the Royal Assent;

8           (b)   the rest of the Act — on the day after that day.

9   **3.     Act amended**

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

12   **4.     Section 3 amended**

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

15

16          waters,

17

18   **5.     Section 7 amended**

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

20

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

23

1   **6.     Section 8AA amended**

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

3

4           (2A)   The Minister, after consultation with the Commission,  
5                may make a written determination that —

6                   (a)   waters, land, or land and waters, that are  
7                        proposed to be a marine reserve, or part of a  
8                        marine reserve, are, when reserved under  
9                        section 13, the *Land Administration Act 1997*  
10                      Part 4 or any other Act, to be vested jointly in  
11                      the Commission and a specified Aboriginal  
12                      body corporate; or

13                   (b)   a marine reserve, or part of a marine reserve,  
14                        that is vested solely in the Commission is to be  
15                        vested jointly in the Commission and a  
16                        specified Aboriginal body corporate.

17

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

19

20           or (2A)

21

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

23

24           (4A)   Waters, land, or land and waters, in respect of which a  
25                determination is made under subsection (2A)(a) are,  
26                when reserved under section 13, the *Land*  
27                *Administration Act 1997* Part 4 or any other Act, by  
28                this subsection vested jointly in the Commission and  
29                the Aboriginal body corporate.

30

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1 (4) After section 8AA(5) insert:

2

3 (5A) Waters, land, or land and waters, in respect of which a  
4 determination is made under subsection (2A)(b) are, on  
5 and from the date of the determination or a later date  
6 that is specified in the determination, by this subsection  
7 vested jointly in the Commission and the Aboriginal  
8 body corporate.

9

10 (5) Delete section 8AA(7) to (9) and insert:

11

12 (6A) Action under subsection (5A) does not change the  
13 purpose for which the waters, land, or land and waters  
14 are reserved under section 13, the *Land Administration*  
15 *Act 1997* or any other Act.

16 (7) In the case of waters, land, or land and waters, that are  
17 vested jointly in the Commission and an Aboriginal  
18 body corporate under subsection (4), (4A), (5) or (5A),  
19 the functions of the Aboriginal body corporate in  
20 relation to the waters, land, or land and waters are  
21 limited to those conferred on a joint responsible body  
22 by this Act.

23 (8) If an Aboriginal body corporate in which waters, land,  
24 or land and waters are vested under this section is  
25 deregistered under the *Corporations (Aboriginal and*  
26 *Torres Strait Islander) Act 2006* (Commonwealth)  
27 Part 12-1 or 12-2, the waters, land, or land and waters  
28 cease to be vested in the Aboriginal body corporate and  
29 by this section vest solely in the Commission.

- 1 (9) The Minister may revoke or amend a determination  
2 made under subsection (2) or (2A) at any time before  
3 the vesting under subsection (4), (4A), (5) or (5A) of  
4 the waters, land, or land and waters in respect of which  
5 the determination is made.  
6

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

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

10 **7. Section 8C amended**

- 11 (1) In section 8C(1) insert in alphabetical order:  
12

13 *relevant provision* means a provision of Part IX or of  
14 regulations made for the purposes of that Part.  
15

- 16 (2) In section 8C(1) in the definition of *eligible land* paragraph (b)  
17 delete “section.” and insert:  
18

19 section;  
20

- 21 (3) Delete section 8C(2) and insert:  
22

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

25 (a) may —

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

30 and

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- 1                   (b) if paragraph (a) applies — must specify any  
2                   relevant provision that is to apply to the land.
- 3           (2A) Without limiting subsection (2)(a)(ii) or the application  
4           of section 33(1) to section 8C land, the CEO’s  
5           functions that may be specified under  
6           subsection (2)(a)(ii) include the functions referred to in  
7           section 33(1)(ca) and (cc) and any other function  
8           prescribed for the purposes of this subsection.
- 9           (2B) Subject to section 102(1A)(a), a relevant provision  
10           cannot apply to eligible land that is the subject of an  
11           order made under subsection (2) unless the order  
12           specifies the provision under subsection (2)(b).  
13

14 **8. Section 13AA amended**

15           After section 13AA(2) insert:  
16

- 17           (2A) If a Class A marine reserve that is proposed to be the  
18           subject of an order under subsection (2) is vested  
19           jointly with the Commission and an Aboriginal body  
20           corporate under section 8AA(4A) or (5A), consultation  
21           under subsection (2) must include consultation with the  
22           Aboriginal body corporate.  
23

24 **9. Section 13B amended**

25           In section 13B(1) delete “fauna” and insert:  
26

27           fauna, the protection and conservation of the value of the marine  
28           park to the culture and heritage of Aboriginal persons  
29

1   **10.   Section 19 amended**

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

3

4                           (i)   State forest and timber reserves;

5                           (ia)  marine reserves, either solely or jointly  
6                                 with an Aboriginal body corporate;

7

8   **11.   Section 21 amended**

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

10

11           chairperson

12

13   **12.   Section 23 amended**

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

15

16           chairperson

17

18   **13.   Section 33 amended**

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

20

21           (fa) and (hb); and

22

23   **14.   Section 89 amended**

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

25

26           form approved by the CEO and,

27

s. 15

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1 **15. Section 90 amended**

2 In section 90 delete “prescribed form” and insert:

3

4 form approved by the CEO

5

6 **16. Section 99 amended**

7 In section 99(2):

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

9

10 Subsection (1)(a) and (aa)

11

12 (b) delete “or (ab)”.

13 **17. Section 102 amended**

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

16

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

18

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

20

21 (1A) A reference in a provision of this Part, or of regulations  
22 made for the purposes of this Part, to *land to which*  
23 *this Part applies* includes —

24 (a) in the case of section 103A or regulations made  
25 for the purposes of that section — a reference  
26 to section 8C land; and

27 (b) in the case of any other provision — a reference  
28 to section 8C land if the relevant order specifies  
29 the provision under section 8C(2)(b).

30

1 **18. Schedule 1 clause 3 amended**

2 (1) In Schedule 1 clause 3(1):

3 (a) delete “chairman” (each occurrence) and insert:

4

5 chairperson

6

7 (b) delete “chairman,” and insert:

8

9 chairperson,

10

11 (c) delete “chairman.” and insert:

12

13 chairperson.

14

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

16

17 chairperson

18

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

20

**Acting chairperson and members**

21 **19. Schedule 1 clause 4 amended**

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

23

24 chairperson

25

26 (2) Delete Schedule 1 clause 4(2)(a) and insert:

27

28 (a) the chairperson; or

29

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- 1       (3) In Schedule 1 clause 4(3) delete “chairman, the deputy chairman”  
2       and insert:  
3  
4       chairperson, the deputy chairperson  
5

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