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The Parliament of Victoria enacts:

PART 1—PRELIMINARY

1 Purposes

The purposes of this Act are—

(a) to amend the National Parks Act 1975 and the Crown Land (Reserves) Act 1978 to make further provision for parks along the Murray River; and
(b) to otherwise amend the National Parks Act 1975 and the Crown Land (Reserves) Act 1978; and

(c) to amend the Conservation, Forests and Lands Act 1987 to provide for the establishment of Traditional Owner Land Management Boards; and

(d) to amend the Forests Act 1958 to make further provision for offences and other matters under that Act; and

(e) to make miscellaneous related amendments to the Land Act 1958, the Mineral Resources (Sustainable Development) Act 1990 and the Wildlife Act 1975.

2 Commencement

(1) Subject to subsection (2), the provisions of this Act come into operation on a day or days to be proclaimed.

(2) If a provision of this Act does not come into operation before 30 September 2010, it comes into operation on that day.
PART 2—AMENDMENTS TO THE NATIONAL PARKS ACT 1975

3 Definitions

In section 3(1) of the National Parks Act 1975 insert—
"
"recreational fishing equipment" has the same meaning as in the Fisheries Act 1995;"

4 Power to enter into management agreements with Traditional Owner Land Management Boards

At the end of section 16A of the National Parks Act 1975 insert—
"
(2) The Secretary may enter into a management agreement with a Traditional Owner Land Management Board for or relating to—

(a) the management of any land in a park that is appointed land of that Board; or

(b) the carrying out of specified functions, powers or duties in relation to the management of any land in a park, that is appointed land of that Board.

(3) In entering into a management agreement under subsection (2), the Secretary must have regard to any agreement entered into under Division 5 of Part 8A of the

(4) In this section—

appointed land, in relation to a Traditional Owner Land Management Board, has the same meaning as in the Conservation, Forests and Lands Act 1987;

Traditional Owner Land Management Board has the same meaning as in the Conservation, Forests and Lands Act 1987.

5 Section 28 repealed

Section 28 of the National Parks Act 1975 is repealed.

6 Water distribution works authority

(1) For the heading to section 30G of the National Parks Act 1975 substitute—

"Water distribution works authority in relation to certain parks".

(2) In section 30G(1) of the National Parks Act 1975—

(a) for "Part 41 of Schedule Two" substitute "Part 38, 40, 41, 46, 47, 48 or 49 of Schedule Two"; and

(b) after "Schedule Two B" insert ", Part 11, 16, 17 or 18 of Schedule Three".

(3) Sections 30G(6) and 30G(7) of the National Parks Act 1975 are repealed.
7 Protection of access rights of freeholders in relation to certain parks

For section 30I(4)(a) of the National Parks Act 1975 substitute—


8 Insertion of new section 30L

After section 30K of the National Parks Act 1975 insert—

"30L Right to move cattle through Barmah National Park

(1) For the purpose of allowing a person to move cattle to an area surrounded by land that is part of the park described in Part 46 of Schedule Two, the Minister may, in writing, grant that person a right to move cattle through the park along the route specified by the Minister.

(2) A right under this section is subject to any conditions that the Minister thinks fit to impose.

(3) For the purpose of allowing a person to exercise a right under this section, the Minister may exempt that person from any regulation affecting the park."

9 Works under water licences

(1) For the heading to section 30M of the National Parks Act 1975 substitute—

"Works under water licences for certain parks".
(2) In section 30M of the National Parks Act 1975, for "Part 37 of Schedule Two B" substitute "Part 38, 40, 46, 47, 48 or 49 of Schedule Two, Part 37 of Schedule Two B or Part 11, 16, 17 or 18 of Schedule Three".

10 Repeal of section 32E
Section 32E of the National Parks Act 1975 is repealed.

11 Repeal of section 32F
Section 32F of the National Parks Act 1975 is repealed.

12 Repeal of section 32G
Section 32G of the National Parks Act 1975 is repealed.

13 Insertion of new section 48B
After section 48A of the National Parks Act 1975 insert—

"48B Describing lands in notice
Without limiting the use of any other means to describe land, a notice under this Act may describe land by reference to a plan lodged in the Central Plan Office.".

14 Repeal of definition of recreational fishing equipment
Section 45A(9) of the National Parks Act 1975 is repealed.

15 Repeal of spent transitional provision
Section 74 of the National Parks Act 1975 is repealed.

16 Repeal of spent transitional provision
Section 75 of the National Parks Act 1975 is repealed.
Part 2—Amendments to the National Parks Act 1975

No. 82 of 2009

17 Amendment of Schedule One A

After item 5 in Schedule One A to the National Parks Act 1975 insert—

"6 Native title not affected by the Parks and Crown Land Legislation Amendment (River Red Gums) Act 2009

(1) The amendments made to this Act by the Parks and Crown Land Legislation Amendment (River Red Gums) Act 2009 are not intended to affect native title rights and interests.

(2) Subclause (1) does not apply in any case where native title rights and interests are affected or are authorised to be affected by or under the Native Title Act 1993 of the Commonwealth."

18 Insertion of new Schedule One AA

After Schedule One A of the National Parks Act 1975 insert—

"SCHEDULE ONE AA

TRANSITIONAL PROVISIONS

PART 1—PRELIMINARY

1 Definitions

In this Schedule—


relevant park commencement, in relation to an area of land described in a Part in a Schedule to this Act, the description of
which is inserted or amended by a provision of the 2009 River Red Gums Act, means the commencement of the provision of the 2009 River Red Gums Act that so inserts or amends the description.

PART 2—2009 RIVER RED GUMS ACT

2 Permits to cut and take away forest produce—Barmah National Park and Gunbower National Park

(1) Any permit—

(a) granted under section 52 of the Forests Act 1958 to cut and take away forest produce (being forest produce previously felled in accordance with an earlier licence) from any part of the designated area of a relevant park for use as firewood for domestic or camping purposes outside the park; and

(b) in force immediately before the relevant park commencement—

continues in force, on and after that commencement, as a permit granted under the Forests Act 1958.

(2) A permit in force under subclause (1) continues in force—

(a) until the date of its expiry or 30 June 2011, whichever is the earlier; and

(b) subject to its terms and conditions; and

(c) subject to the provisions of the Forests Act 1958.
(3) Despite anything to the contrary in this Act, section 52 of the **Forests Act 1958** continues to apply to enable permits to be granted under that section to cut and take away forest produce (being forest produce felled in accordance with an earlier licence) from any part of the designated area of a relevant park for use as firewood for domestic or camping purposes outside the park. A permit so granted may be dealt with under that section.

(4) A permit in force under subclause (3)—

(a) is in force until the date of its expiry or 30 June 2011, whichever is the earlier; and

(b) is subject to the provisions of the **Forests Act 1958**.

(5) The Secretary may cut and take away, or authorise to be cut and taken away on behalf of the Secretary, forest produce (being forest produce felled in accordance with an earlier licence) from any part of the designated area of a relevant park for use as firewood for domestic or camping purposes outside the park.

(6) Authorisation under subclause (5) continues in force until the date of its expiry or 30 June 2011, whichever is the earlier.

(7) In this clause—

**designated area** means the land delineated and coloured blue on the plans lodged in the Central Plan Office and numbered LEGL./09-372 and LEGL./09-373;
earlier licence means a licence granted under section 52 of the **Forests Act 1958** that expired on or before 30 June 2009;

relevant park means the land described in Part 46 or 47 of Schedule Two.

3 Grazing licences—specified parks

(1) Any licence or permit—

   (a) granted under section 52 of the **Forests Act 1958** to graze cattle on any part of the land described in Part 38, 46, 47, 48 or 49 of Schedule Two or Part 16 or Part 18 of Schedule Three; and

   (b) in force immediately before the relevant park commencement—

subject to the provisions of the **Forests Act 1958**, continues in force, on and after that commencement, until its expiry as a licence or permit granted under that Act.

(2) Any licence—

   (a) granted under section 130 of the **Land Act 1958** to graze cattle on any part of the land described in Part 38, 40, 46, 48 or 49 of Schedule Two, Part 34 of Schedule Two B or Part 16 or 18 of Schedule Three; and

   (b) in force immediately before the relevant park commencement—

subject to the provisions of the **Land Act 1958**, continues in force, on and after that commencement, until its expiry as a licence granted under the **Land Act 1958**.
(3) Despite anything to the contrary in this Act, section 52 of the *Forests Act 1958* continues to apply to enable licences or permits to be granted under that section to graze cattle on any part of the land described in Part 38, 46, 47, 48 or 49 of Schedule Two or Part 16 of Schedule Three in relation to which a licence or permit has been continued in force under subclause (1). Any licence or permit so granted may be dealt with under section 52 of the *Forests Act 1958*.

(4) Despite anything to the contrary in this Act, section 130 of the *Land Act 1958* continues to apply to enable licences to be granted under that section to graze cattle on any part of the land described in Part 38, 40, 46, 48 or 49 of Schedule Two, Part 34 of Schedule Two B or Part 16 of Schedule Three in relation to which a licence has been continued in force under subclause (2). Any licence so granted may be dealt with under the *Land Act 1958*.

(5) A licence or permit in force under subclause (3) or (4) is in force until the date it expires or 30 September 2014, whichever is the earlier.

4 Apiary licences and rights—specified parks

(1) Any licence or permit—

(a) granted under section 52 of the *Forests Act 1958* to take honey on any part of the land described in Part 38, 46, 47, 48 or 49 of Schedule Two or Part 11, 16 or 18 of Schedule Three; and
(b) in force immediately before the relevant park commencement—

subject to the provisions of the **Forests Act 1958**, continues in force, on and after that commencement, until its expiry as a licence or permit granted under that Act.

(2) Any licence or right—

(a) granted under section 141, 147 or 149 of the **Land Act 1958** for the purpose of a bee farm, a bee range area or an apiary upon any part of the land described in Part 38, 46, 48 or 49 of Schedule Two or Part 17 of Schedule Three; and

(b) in force immediately before the relevant park commencement—

subject to the provisions of the **Land Act 1958**, continues in force, on and after that commencement, until its expiry as a licence or right granted under that Act.

5 Licences for a pump, levee bank and cultivation—Gunbower National Park

(1) Any licence—

(a) granted under section 52 of the **Forests Act 1958** for the purposes of a pump, levee bank and cultivation over any part of the land described in Part 47 of Schedule Two; and

(b) in force immediately before the relevant park commencement—

subject to the provisions of the **Forests Act 1958**, continues in force, on and after that commencement, until its expiry as a licence granted under that Act.
(2) Despite anything to the contrary in this Act, section 52 of the Forests Act 1958 continues to apply to enable licences to be granted under that section for the purposes of a pump, levee bank and cultivation on any part of the land described in Part 47 of Schedule Two in relation to which a licence has been continued in force under subclause (1). Any licence or permit so granted may be dealt with under section 52 of the Forests Act 1958.

(3) A licence or permit in force under subclause (2) is in force until the date it expires or 30 September 2014, whichever is the earlier.

6 Licences for equestrian activities—Nyah-Vinifera Park

Any licence—

(a) granted under section 52 of the Forests Act 1958 for the purposes of equestrian activities on any part of the land described in Part 18 of Schedule Three; and

(b) in force immediately before the relevant park commencement—subject to the provisions of the Forests Act 1958, continues in force, on and after that commencement, until its expiry as a licence granted under that Act.

7 Licences to enter and use land in certain parks for non-agricultural purposes

Any licence—

(a) granted under section 138 of the Land Act 1958 to enter and use any part of the land described in Part 46 or 48 of
Part 2—Amendments to the National Parks Act 1975

Schedule Two or Part 16 of Schedule Three; and

(b) in force immediately before the relevant park commencement—

subject to the provisions of the Land Act 1958, continues in force, on and after that commencement, until its expiry as a licence granted under that Act.

8 Tour operator licences and permits

(1) Any relevant tour operator licence or permit in respect of any part of the land described in Part 46, 47 or 49 of Schedule Two that was in force immediately before the relevant park commencement continues in force, on and after that commencement, in respect of that land as a licence or permit under the Act under which it was granted until it expires.

(2) In this section relevant tour operator licence or permit means any licence or permit to conduct organised tourism or recreation business activities granted under—

(a) section 17 or 17B of the Crown Land (Reserves) Act 1978;

(b) section 52 of the Forests Act 1958;

(c) section 138 of the Land Act 1958.

9 Rights to cease—reserved forest

An area of land that becomes part of a park on the relevant park commencement and that is delineated and coloured green or coloured brown on a plan lodged in the Central Plan Office, the number of which is set out in the Table to this clause, ceases to be reserved forest on that commencement.
Part 2—Amendments to the National Parks Act 1975

No. 82 of 2009

10 Rights to cease—roads

An area of land that becomes part of a park on the relevant park commencement and that is delineated and coloured yellow on a plan lodged in the Central Plan Office, the number of which is set out in the Table to this clause, ceases to be a road or part of road or road reserve and all rights, easements and privileges existing or claimed either by the public or any body or person as incident to the express or implied grant or past dedication or supposed dedication or any past user or operation of law or otherwise, cease on that commencement.

Table


19 Amendment of Schedule Two

(1) In Part 9 of Schedule Two to the National Parks Act 1975—

(a) for "480 square kilometres" substitute "49 975 hectares";

(b) after "Colignan" insert ", Gayfield";

(c) after "Mournpoul" insert ", Nurnurnemal";
(d) for "stippled grey in a plan prepared by the Surveyor-General" substitute "coloured pink or coloured green or coloured yellow in a plan";

(e) for "N.P. 6/1" substitute "N.P. 6/2".

(2) In Part 17 of Schedule Two to the National Parks Act 1975—

(a) for "310 square kilometres" substitute "31 020 hectares";

(b) for "N.P. 28/1." substitute "N.P. 28/1 and the land delineated and coloured pink or coloured yellow in a plan lodged in the Central Plan Office and numbered N.P. 28A.".

(3) In Part 38 of Schedule Two to the National Parks Act 1975—

(a) for "6330 square kilometres" substitute "664 810 hectares";

(b) for "lands delineated and bordered red, excepting from them the roads shown as excluded, also excepting from them the land bordered blue," substitute "land delineated and coloured pink or coloured green or coloured yellow";

(c) for "N.P. 51/2A and 51/2B" substitute "N.P. 51/3A and N.P. 51/3B".

(4) In Part 40 of Schedule Two to the National Parks Act 1975—

(a) for "3 880 hectares" substitute "5925 hectares";

(b) for "Terrick Terrick East and Terrick Terrick West, County of Gunbower" substitute "Patho, Terrick Terrick East, Terrick Terrick West, Turrumberry, Turrumberry North and
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Wanurp, Counties of Bendigo and Gunbower";

(c) omit "or coloured green or coloured yellow";

(d) for "N.P. 84/2" substitute "N.P. 84/3".

20  Insertion of new national parks in Schedule Two

After Part 45 of Schedule Two to the National Parks Act 1975 insert—

"PART 46—BARMAH NATIONAL PARK

All those pieces and parcels of land containing 28 505 hectares, more or less, situate in the Parishes of Barmah, Cocomah, Picola, Strathmerton, Ulupna, Yalca and Yielima, County of Moira, being the land delineated and coloured pink or coloured green or coloured yellow in the plan lodged in the Central Plan Office and numbered N.P. 113.

PART 47—GUNBOWER NATIONAL PARK

All those pieces and parcels of land containing 9330 hectares, more or less, situate in the Parishes of Cohuna, Gunbower, Gunbower West and Patho, County of Karkarooc, being the land delineated and coloured pink or coloured green in the plan lodged in the Central Plan Office and numbered N.P. 114.

PART 48—LOWER GOULBURN NATIONAL PARK

All those pieces and parcels of land containing 9310 hectares, more or less, situate in the Parishes of Coomboona, Kaarimba, Kanyapella, Kotupna, Moira, Mooroorpa, Shepparton, Tallygaroopna, Taripta, Undera, Wyuna, Counties of Moira and Rodney, being the land delineated and coloured
pink or coloured green or coloured yellow in the plan lodged in the Central Plan Office and numbered N.P. 115.

PART 49—WARBY-OVENS NATIONAL PARK

All those pieces and parcels of land containing 14,655 hectares, more or less, situate in the Parishes of Boorhaman, Boweya, Brimin, Bundalong, Estcourt, Glenrowen, Killawarra, Peechelba and Taminick, Counties of Bogong and Moira, being the land delineated and coloured pink or coloured green or coloured yellow in the plans lodged in the Central Plan Office and numbered N.P. 116A and N.P. 116B.

21 Amendment of Schedule Two B

(1) Part 3 of Schedule Two B to the National Parks Act 1975 is repealed.

(2) Part 30 of Schedule Two B to the National Parks Act 1975 is repealed.

(3) In Part 34 of Schedule Two B to the National Parks Act 1975—

(a) for "1580 hectares" substitute "2050 hectares";

(b) for "bordered green and coloured red" substitute "coloured pink or coloured green or coloured yellow";

(c) for "N.P. 97" substitute "N.P. 97/1".

22 Amendment of Schedule Three

In Part 11 of Schedule Three to the National Parks Act 1975—

(a) for "3530 hectares" substitute "4555 hectares";

(b) for "and Liparoo" substitute ", Liparoo and Yelwell";
(c) for "bordered red or bordered green" substitute "coloured pink or coloured green or coloured yellow";
(d) for "N.P. 50/2" substitute "N.P. 50/3".

23 Insertion of new parks in Schedule Three

After Part 15 of Schedule Three to the National Parks Act 1975 insert—

"PART 16—GADSEN BEND PARK

All those pieces and parcels of land containing 1620 hectares, more or less, situate in the Parish of Bumbang, County of Karkaroo, being the land delineated and coloured pink or coloured green or coloured yellow in the plan lodged in the Central Plan Office and numbered N.P. 117.

PART 17—KINGS BILLABONG PARK

All those pieces and parcels of land containing 2195 hectares, more or less, situate in the Parish of Mildura, County of Karkaroo, being the land delineated and coloured pink in the plan lodged in the Central Plan Office and numbered N.P. 118.

PART 18—NYAH-VINIFERA PARK

All those pieces and parcels of land containing 1370 hectares, more or less, situate in the Parishes of Piangil, Tyntynder North and Tyntynder West, County of Tatchera, being the land delineated and coloured pink or coloured green or coloured yellow in the plan lodged in the Central Plan Office and numbered N.P. 119."
PART 3—AMENDMENTS TO THE CROWN LAND (RESERVES) ACT 1978

24 Insertion of definition—Goulburn-Murray Water

In section 3 of the Crown Land (Reserves) Act 1978 insert—

"Goulburn-Murray Water means Goulburn-Murray Rural Water Corporation constituted under Part 6 of the Water Act 1989;".

25 Power to enter into management agreements with Traditional Owner Land Management Boards

At the end of section 18B of the Crown Land (Reserves) Act 1978 insert—

"(2) The Secretary may enter into a management agreement with a Traditional Owner Land Management Board for or relating to—

(a) the management of any land, that is reserved under this Act, that is appointed land of that Board; or

(b) the carrying out of specified functions, powers or duties in relation to the management of any land that is reserved under this Act, that is appointed land of that Board."
(3) In entering into a management agreement under subsection (2), the Secretary must have regard to any agreement entered into under Division 5 of Part 8A of the Conservation, Forests and Lands Act 1987 in relation to the land.

(4) In this section—

appointed land, in relation to a Traditional Owner Land Management Board, has the same meaning as in the Conservation, Forests and Lands Act 1987;

Traditional Owner Land Management Board has the same meaning as in the Conservation, Forests and Lands Act 1987.

26 Control and management of water authority structures—Kerang and Shepparton Regional Parks

(1) For the heading to section 29G of the Crown Land (Reserves) Act 1978 substitute—

"Control and management of water authority structures etc. in specified regional parks".

(2) In section 29G(1) of the Crown Land (Reserves) Act 1978—

(a) after "any structures and installations" insert "or any drainage basins";

(b) after "Division 1" insert ", Division 2A".

(3) In section 29G(1) of the Crown Land (Reserves) Act 1978, for "or Division 3" substitute ", Division 3, Division 4 or Division 5".
27 Works under water licences

After section 29H of the Crown Land (Reserves) Act 1978 insert—

"29HA Works under water licences—Murray River Park

(1) A licence under section 51 or 67 of the Water Act 1989 that authorises the construction, installation, operation, alteration, removal or decommissioning of works on any of the land in the Murray River Park must not be issued except with the consent of the Minister and subject to any conditions the Minister thinks fit to impose.

(2) In this section, Murray River Park means the land described in Division 2A of Part 4A of the Fifth Schedule."

28 Insertion of new sections 29IA, 29IB and 29IC

After section 29I of the Crown Land (Reserves) Act 1978 insert—

"29IA Works under water licences—Kerang and Shepparton Regional Parks

A licence under section 51 or 67 of the Water Act 1989 that authorises the construction, installation, operation, alteration, removal or decommissioning of works on any part of the land described in Divisions 4 and 5 of Part 4A of the Fifth Schedule must not be issued except with the consent of the Minister and subject to any conditions the Minister thinks fit to impose.

29IB Permits to cut and take away forest produce—Shepparton Regional Park

(1) Despite anything to the contrary in this Act, section 52 of the Forests Act 1958 continues to apply to enable permits to be granted
under that section to cut and take away forest produce from any part of the land described in Division 5 of Part 4A of the Fifth Schedule for use as firewood for domestic or camping purposes outside the park. Any permit so granted may be dealt with under section 52 of the *Forests Act 1958*.

(2) The Secretary may cut and take away, or authorise to be cut and taken away on behalf of the Secretary, forest produce from any part of the land described in Division 5 of Part 4A of the Fifth Schedule for use as firewood for domestic or camping purposes outside the park.

29IC  **Grazing licences—Kerang and Shepparton Regional Parks**

(1) Despite anything to the contrary in this Act, section 52 of the *Forests Act 1958* continues to apply to enable licences or permits to be granted under that section to graze cattle on any part of the land described in Division 4 or 5 of Part 4A of the Fifth Schedule in relation to which a licence or permit has been continued in force under section 63E. Any licence or permit so granted may be dealt with under section 52 of the *Forests Act 1958*.

(2) Despite anything to the contrary in this Act, section 130 of the *Land Act 1958* continues to apply to enable licences to be granted under that section to graze cattle on any part of the land described in Division 4 or 5 of Part 4A of the Fifth Schedule in relation to which a licence has been continued in force under section 63E. Any licence so granted may be dealt with under section 130 of the *Land Act 1958*. 
(3) A licence or permit in force under subsection (1) or (2) is in force until the date it expires or 30 September 2014, whichever is the earlier."

29 Purposes for land in Part 4A of the Fifth Schedule

At the end of section 47B of the Crown Land (Reserves) Act 1978 insert—

"(2) In relation to the land shown delineated and stippled on a plan referred to in Division 2A of Part 4A of the Fifth Schedule, the purposes set out in subsection (1) are in addition to the purposes for which the land was reserved immediately before the publication of the Order under section 47BA(3)."

30 Insertion of new section 47BA

After section 47B of the Crown Land (Reserves) Act 1978 insert—

"47BA Murray River Park

(1) The Minister may recommend to the Governor in Council that—

(a) any part of the land shown delineated and coloured pink on the plans lodged in the Central Plan Office and numbered LEGL./09-320 to LEGL./09-371 (inclusive); and

(b) any land that is adjoining the land shown delineated and coloured pink on the plans or within close proximity of or adjoining the land shown delineated and coloured pink on the plans—

that is reasonably required for the purposes of a regional park, be a regional park to be known as the Murray River Park."
(2) The Minister may make a recommendation under subsection (1) on—

(a) receiving plans of land signed by the Surveyor-General; and

(b) being satisfied that the land delineated and coloured pink or coloured yellow on the plans represents land that is reasonably required for the purposes of a regional park.

(3) On receiving a recommendation of the Minister under subsection (1), the Governor in Council may, by Order published in the Government Gazette, declare the land delineated and coloured pink or coloured yellow on the plans to be a regional park to be known as the Murray River Park.

(4) On the publication of the Order under subsection (3), the land declared under subsection (3) to be the regional park, known as the Murray River Park, is taken to be permanently reserved under section 4 for the public purposes specified in section 47B(1)(a), (b) and (c).

(5) On the publication of the Order under subsection (3), any land delineated and coloured orange on the plans referred to in that Order is taken to be reserved forest within the meaning of the Forests Act 1958.".
31 Insertion of new Division 5A of Part 6

After Division 5 of Part 6 of the Crown Land (Reserves) Act 1978 insert—

"Division 5A—Further transitional provisions—2009 River Red Gums Act

63 Definitions

In this Division—


Murray River Park means the land described in Division 2A of Part 4A of the Fifth Schedule;

relevant reserve commencement, in relation to an area of land described in the Fifth Schedule, the description of which is inserted or amended by a provision of the 2009 River Red Gums Act, means the commencement of the provision of the 2009 River Red Gums Act that so inserts or amends the description.

63A Transitional provision—Murray River Park

(1) On the publication of the Order under section 47BA(3)—

(a) any reservation, under this or any other Act, of an area of land shown delineated and coloured pink or coloured yellow on a plan referred to in the Order, being a reservation that was in force immediately before publication of the Order is revoked in so far as the
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reservation is not of land shown stippled on the plan; and

(b) the land delineated and coloured pink or coloured yellow or coloured orange on the plans referred to in the Order is deemed to be freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests; and

(c) any regulations made under section 13 of this Act that applied to any area of land delineated and coloured pink or coloured yellow or coloured orange on the plans immediately before the publication of the Order (other than any such regulations applying to land shown hatched on the plans) are revoked in so far as they apply to the land; and

(d) any land delineated and coloured yellow on any of the plans referred to in that Order that was a road or part of a road or road reserve, ceases to be a road or part of a road or road reserve and all rights, easements and privileges existing or claimed, either by the public or any body or person as incident to any express or implied grant, or past dedication or supposed dedication or any past user or operation of law or otherwise, cease; and

(e) despite anything to the contrary in this Act, any relevant authority over any part of the land delineated and coloured pink or coloured yellow or coloured orange on the plans referred to in the Order that is in force immediately
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before that commencement continues in force subject to its terms and conditions; and

(f) a committee of management appointed under this Act in respect of land delineated and shown hatched on a plan referred to in the Order is taken to continue in existence as the committee of management for the land, subject to this Act.

(2) In this section a reference to a relevant authority is a reference to a lease, licence, permit or other authority under the Forests Act 1958, the Geothermal Energy Resources Act 2005, the Land Act 1958, the Mineral Resources (Sustainable Development) Act 1990, the Petroleum Act 1998, the Water Act 1989 or this Act.

63B Permits to cut and take away forest produce—Murray River Park

(1) Despite the publication of the Order under section 47BA(3) and anything to the contrary in this Act, section 52 of the Forests Act 1958 continues to apply on and after the publication of the Order to enable permits to be granted under that section to cut and take away forest produce in the Murray River Park for use as firewood for domestic or camping purposes outside the park. Any permit so granted may be dealt with under that section.

(2) The Secretary may cut and take away, or authorise to be cut and taken away on behalf of the Secretary, forest produce from any part of the land described in the Murray River Park for use as firewood for domestic or camping purposes outside the park.
63C Grazing licences—Murray River Park

(1) Despite the publication of the Order under section 47BA(3) and anything to the contrary in this Act, section 52 of the Forests Act 1958 continues to apply on and after the publication of the Order to enable licences or permits to be granted under that section to graze cattle on any part of the land in the Murray River Park in relation to which a licence or permit has been continued in force under section 63A(1). Any licence or permit so granted may be dealt with under section 52 of the Forests Act 1958.

(2) Despite anything to the contrary in this Act, section 130 of the Land Act 1958 continues to apply to enable licences to be granted under that section to graze cattle on any part of the land in the Murray River Park in relation to which a licence has been continued in force under section 63A(1). Any licence so granted may be dealt with under that section.

(3) A licence or permit in force under subsection (1) or (2) is in force until the date it expires or 30 September 2014, whichever is the earlier.

63D Land to become part of park on surrender to the Crown—Kerang Regional Park

If the land shown hatched on the plan lodged in the Central Plan Office and numbered LEGL./09-318 is not surrendered to the Crown before the relevant reserve commencement, that land is taken not to be part of the park described in Division 4 of Part 4A of the Fifth Schedule until the title to the land is surrendered to the Crown.
63E Savings of licences and other authorities

Despite anything to the contrary in this Act, any licence, permit or other authority over any part of the land described in Division 4 or 5 of Part 4A of the Fifth Schedule that was granted or issued under this Act, the Forests Act 1958, the Geothermal Energy Resources Act 2005, the Land Act 1958, the Mineral Resources (Sustainable Development) Act 1990, the Petroleum Act 1998 or the Water Act 1989 and that was in force immediately before the relevant reserve commencement continues in force on and after that commencement, subject to its terms and conditions and the provisions of the Act under which it was granted or issued.

63F Revocation of reservations, regulations and other interests

On the relevant reserve commencement—

(a) any reservation, under this or any other Act, over any part of the land described in Division 4 or 5 of Part 4A of the Fifth Schedule that was in force immediately before that commencement is revoked; and

(b) any regulations made under section 13 of this Act that applied to the land immediately before that commencement are revoked in so far as they apply to the land; and
(c) subject to section 63E, the land is taken to be freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests in or applying to any part of the land immediately before that commencement; and

(d) any part of the land shown delineated and coloured blue on the plan lodged in the Central Plan Office and numbered LEGL./09-318 which immediately before that commencement was vested in Goulburn-Murray Water is divested from Goulburn-Murray Water; and

(e) the lands delineated and coloured yellow on the plans lodged in the Central Plan Office and numbered LEGL./09-388 and LEGL./09-389 cease to be roads or parts of roads or road reserves and all rights, easements and privileges existing or claimed, either by the public or any body or person as incident to any express or implied grant or past dedication or supposed dedication or any past user or operation of law or otherwise, cease.”.

32 Insertion of new regional parks

(1) After Division 2 of Part 4A of the Fifth Schedule to the Crown Land (Reserves) Act 1978 insert—

"Division 2A—Murray River Park

The land delineated and coloured pink or coloured yellow on the plans referred to in the Order under section 47BA(3).".
(2) After Division 3 of Part 4A of the Fifth Schedule to the Crown Land (Reserves) Act 1978 insert—

"Division 4—Kerang Regional Park

The land delineated and coloured pink or coloured blue on the plan lodged in the Central Plan Office and numbered LEGL./09-318.

Division 5—Shepparton Regional Park

The land delineated and coloured pink or coloured yellow on the plans lodged in the Central Plan Office and numbered LEGL./09-388 and LEGL./09-389."

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PART 4—AMENDMENTS TO THE FORESTS ACT 1958

33 Definitions

Insert the following definitions in section 3(1) of the Forests Act 1958—

"campfire or barbeque means a fire lit or kindled for the purpose of preparing meals or providing personal comfort, and includes a fire lit or kindled in an appliance designed and manufactured for cooking or heating;

liquid fuel, gaseous fuel or chemical solid fuel includes any manufactured fuel which can be ignited;

solid fuel includes—

(a) vegetation, wood, coal, coke;

(b) manufactured solid combustible material made from vegetation, wood, coal or coke, including but not limited to, paper, cardboard, sawdust or coal or coke by-products;".

34 New section inserted after section 27A

After section 27A of the Forests Act 1958 insert—

"28 Power to enter into management agreements with Traditional Owner Land Management Boards

(1) The Secretary may enter into a management agreement with a Traditional Owner Land Management Board for or relating to—

(a) the management of any land that is reserved forest and that is appointed land of that Board; or

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(b) for the carrying out of specified functions, powers or duties in relation to the management of any land that is reserved forest and that is appointed land of that Board.

(2) In entering into a management agreement under subsection (1), the Secretary must have regard to any agreement entered into under Division 5 of Part 8A of the Conservation, Forests and Lands Act 1987 in relation to the land.

(3) In this section—

appointed land, in relation to a Traditional Owner Land Management Board, has the same meaning as in the Conservation, Forests and Lands Act 1987;

Traditional Owner Land Management Board has the same meaning as in the Conservation, Forests and Lands Act 1987.

35 New section inserted after section 52

After section 52 of the Forests Act 1958 insert—

"52A Arrangements to issue permits

(1) The Minister may, in writing, enter into an arrangement for a person to issue permits under section 52, on behalf of the Minister, to cut and take away forest produce for the purpose of domestic use for firewood.

(2) An arrangement under subsection (1) is subject to any terms and conditions specified in the arrangement.".
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36 New sections inserted after section 66

After section 66 of the Forests Act 1958 insert—

"66A Offence to leave certain campfires or barbeques unattended

(1) The person in charge of a campfire or barbeque using solid fuel and that is in the open air in a regulated fire area must not—

(a) be outside the line of sight of the campfire or barbeque; or

(b) be more than 50 metres from the perimeter of the campfire or barbeque.

Penalty: 100 penalty units.

(2) In this section and in sections 66B and 66C, regulated fire area means any State forest, protected public land or national park.

66B Offences as to having clear areas around certain campfires or barbeques

(1) A person must not light, kindle or maintain a campfire or barbeque, that uses solid fuel and that is in the open air in a regulated fire area, unless the ground and airspace within a distance of 3 metres from the outer perimeter and uppermost point of the fire are clear of flammable material.

Penalty: 100 penalty units.

(2) A person must not light, kindle or maintain a campfire or barbeque, that uses liquid fuel, gaseous fuel or chemical solid fuel and that is in the open air in a regulated fire area, unless the ground and airspace within a distance of 1.5 metres from the outer perimeter and uppermost point of the fire are clear of flammable material.

Penalty: 100 penalty units.
66C Offence as to campfires or barbeques above a certain size

(1) A person must not light, kindle or maintain a campfire or barbeque, that uses solid fuel and that is in the open air in a regulated fire area, if—

(a) the area of the campfire or barbeque is more than one square metre in any direction; or

(b) a dimension of any piece of the solid fuel that is being used in the campfire or barbeque is more than one metre—

unless the person is authorised to do so in writing by an authorised officer.

Penalty: 100 penalty units.

(2) An authorised officer may give an authorisation in writing for the purpose of subsection (1)."
PART 5—AMENDMENTS TO THE CONSERVATION,
FORESTS AND LANDS ACT 1987

37 Definitions

Insert the following definitions in section 3(1) of the Conservation, Forests and Lands Act 1987—

"Central Plan Office" means the Central Plan Office of the Department of Sustainability and Environment;

Traditional Owner Land Management Board means a Board established under Part 8A;".

38 New Part 8A inserted

After Part 8 of the Conservation, Forests and Lands Act 1987 insert—

"PART 8A—TRADITIONAL OWNER LAND MANAGEMENT BOARDS

Division 1—Definitions

82A Definitions

In this Part—

appointed land, in relation to a Traditional Owner Land Management Board, means the public land in relation to which the Board is appointed under this Part;"
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**public land** means the following—

(a) land under the *Crown Land (Reserves) Act 1978* other than land for which a committee of management is appointed;

(b) land in any park within the meaning of the *National Parks Act 1975*;

(c) reserved forest within the meaning of the *Forests Act 1958*;

(d) unreserved Crown land under the *Land Act 1958*;

(e) land in any State Wildlife Reserve or Nature Reserve, within the meaning of the *Wildlife Act 1975*;

**relevant land Minister**, in relation to Crown land, means the Minister administering the Act under which the land is managed;

**traditional owner group**, in relation to land, means a group of persons who—

(a) hold native title within the meaning of the *Native Title Act 1993* of the Commonwealth over the land; or

(b) are recognised by the Attorney-General by notice published in the Government Gazette as the traditional owners of the land based on Aboriginal traditional and cultural associations to the land;
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**traditional owner group entity** means a corporation within the meaning of the Corporations (Aboriginal and Torres Strait Islander) Act 2006 of the Commonwealth or the Native Title Act 1993 of the Commonwealth.

Division 2—Constitution of Traditional Owner Land Management Boards

82B Power of Minister to establish Traditional Owner Land Management Board

(1) The Minister, by determination, may establish a Traditional Owner Land Management Board for any public land.

(2) Before establishing a Board under subsection (1), if the Minister is not the relevant land Minister for the public land, the Minister must obtain the consent of the relevant land Minister.

(3) In establishing a Board under subsection (1), the Minister must have regard to any agreement entered into under Division 5.

(4) A determination under subsection (1) must be published in the Government Gazette and has effect on its publication.

(5) A determination under subsection (1) must—

(a) specify the land in relation to which the Board is appointed; and

(b) describe the role that the Board is to undertake in relation to the land; and
(c) describe the functions, powers and duties that the Board is to have under this or any other Act.

Note

Functions, powers and duties that the Board is to have may be those conferred by way of agreement under the Crown Land (Reserves) Act 1978, the National Parks Act 1975, the Forests Act 1958, the Land Act 1958 or the Wildlife Act 1975 or those delegated to the Board under this Part.

82C Status of Traditional Owner Land Management Boards

(1) A Traditional Owner Land Management Board—

(a) is a body corporate with perpetual succession; and

(b) has an official seal; and

(c) may sue and be sued; and

(d) may acquire, hold and dispose of personal property, and may acquire, hold and dispose of leases or subleases in real property; and

(e) may do and suffer all acts and things that a body corporate may, by law, do and suffer.

(2) All courts must take judicial notice of the seal of a Traditional Owner Land Management Board affixed to a document and, until the contrary is proved, must presume that it was duly affixed.

(3) The official seal of a Traditional Owner Land Management Board must be kept in that custody that the Board directs and must not be used except as authorised by the Board.
82D Application of Public Administration Act 2004

The Public Administration Act 2004 applies to any Traditional Owner Land Management Board as if that Board were a public entity, but not a small entity, within the meaning of that Act, established on or after the commencement of Part 5 of that Act.

82E Objective of Traditional Owner Land Management Boards

A Traditional Owner Land Management Board is established with the objective of enabling the knowledge and culture of the traditional owner group of the appointed land to be recognised in the management of the land.

82F Variation of role etc. of Traditional Owner Land Management Board

(1) The Minister may, by determination—

(a) vary the public land in relation to which, under section 82B(5)(a), a Traditional Owner Land Management Board is appointed;

(b) vary the description of the role that the Board is to undertake in relation to the land;

(c) vary the description of the functions, powers and duties that the Board is to have under this or any other Act.

(2) Before making a variation under subsection (1), if the Minister is not the relevant land Minister for the public land, the Minister must obtain the consent of the relevant land Minister.
(3) In making a variation under subsection (1) the Minister must have regard to any agreement entered into under Division 5.

(4) A determination under this section must be published in the Government Gazette and has effect on being published in the Government Gazette.

82G Abolition of Traditional Owner Land Management Board

(1) The Minister may, by determination, abolish a Traditional Owner Land Management Board.

(2) The Minister must not abolish a Board under subsection (1) unless the Minister has first consulted with the traditional owner group entity of the appointed land.

(3) Before abolishing a Board under subsection (1), if the Minister is not the relevant land Minister for any of the appointed land, the Minister must consult with the relevant land Minister.

(4) In abolishing a Board under subsection (1) the Minister must have regard to any agreement entered into under Division 5.

(5) A determination under this subsection must be published in the Government Gazette and has effect on being published in the Government Gazette.

(6) Schedule 4 has effect with respect to any determination under this section.
Division 3—Functions, powers and duties of Traditional Owner Land Management Boards

82H Functions of Traditional Owner Land Management Boards

A Traditional Owner Land Management Board has the following management functions in respect of the appointed land—

(a) those management functions that are conferred on the Board by agreement under the Act under which the appointed land for the Board is managed;

(b) those management functions that are delegated to the Board by a person or body who has those management functions in relation to the appointed land of the Board.

82I Powers and duties of Traditional Owner Land Management Boards

(1) A Traditional Owner Land Management Board—

(a) if so specified by the Minister in a determination under this Part, may do the following in accordance with any specification of the Minister in the determination—

(i) employ staff, including an executive officer to be responsible to the Board for implementing the decisions of the Board;

(ii) enter into an arrangement or agreement with another person or body for the carrying out of any of its functions or duties;
(iii) subject to this Part, carry out works on the appointed land;

(iv) delegate any of its functions, powers or duties to a member of the Board or an employee of the Board;

(b) may act as a delegate or agent of a person or body who has management functions, powers or duties in relation to the appointed land, when so appointed by that person or body;

(c) may do all things that are necessary and convenient to be done for or in connection with carrying out its functions, powers or duties.

(2) A Traditional Owner Land Management Board has the duties that are conferred on the Board, by agreement, or by or under this or any other Act, or are delegated to the Board.

82J Functions, powers and duties to be carried out in accordance with relevant Act

Any function, power or duty that a Traditional Owner Land Management Board has is subject to the provisions of the Act under which the appointed land is managed.

Division 4—Description, membership and procedure

82K Title

The Minister must specify the name of a Traditional Owner Land Management Board in the determination that establishes the Board.
82L Membership

In the determination establishing a
Traditional Owner Land Management Board
the Minister must specify—

(a) the number of positions of membership
of the Board; and

(b) the method of appointment of the
chairperson and deputy chairperson;
and

(c) the terms and conditions of individuals
occupying positions of membership.

82M Appointment and dismissal of members

(1) The members of the Board are appointed by
the Minister by determination published in
the Government Gazette.

(2) A member of the Board may be dismissed by
the Minister by determination published in
the Government Gazette.

(3) In making appointments under this section,
the Minister must ensure—

(a) that a majority of the positions of
membership are occupied by persons
nominated by the traditional owner
group entity of the appointed land; and

(b) that the members of the Board have the
qualifications, attributes, skills and
experience that are relevant to the
operations of the Board.

(4) In dismissing a member of the Board under
this section, the Minister must have regard to
any agreement entered into under Division 5.
82N  Cessation of office of members

A member of the Board ceases to hold the office of member if the member—

(a) resigns in writing addressed to the Minister; or
(b) dies; or
(c) is dismissed by the Minister in accordance with section 82M(2); or
(d) is absent from three consecutive meetings without approval of the Board to be so absent; or
(e) becomes an insolvent under administration; or
(f) is convicted of an indictable offence.

82O  Procedures

In the determination establishing a Traditional Owner Land Management Board the Minister must specify the following matters in relation to the procedures of the Board—

(a) voting rights of the chairperson, deputy chairperson and members of the Board; and
(b) any other matters as to the procedure and conduct of meetings and proceedings of the Board that the Minister considers necessary.
Division 5—Agreements as to Traditional Owner Land Management Boards

82P Agreements as to the establishment etc. of Traditional Owner Land Management Boards

(1) The Minister may enter into an agreement with a traditional owner group entity for any public land or with any other relevant person for the purpose of facilitating any proposal—

(a) to establish a Traditional Owner Land Management Board for an area of public land; or

(b) to vary the management functions, powers or duties of a Traditional Owner Land Management Board in relation to the land.

(2) Before entering into an agreement under subsection (1), if the Minister is not the relevant land Minister for any of the public land that is the subject of the agreement, the Minister must obtain the consent of the relevant land Minister.

(3) An agreement under subsection (1) may deal with any matters that are related or incidental to the establishment or operation of a Traditional Owner Land Management Board.

Division 6—General

82Q Delegations to or in relation to Traditional Owner Land Management Boards

(1) Where appointed land of a Traditional Owner Land Management Board is land under the Crown Land (Reserves) Act 1978, the Forests Act 1958, the Land Act 1958, the National Parks Act 1975 or the
Wildlife Act 1975, the relevant land
Minister for the Act may, by instrument,
delegate any of the Minister's functions,
powers or duties under the Act to the Board
or an employee of the Board for the purpose
of the performance or exercise by the Board
or employee of that function, power or duty
in managing the land.

(2) Where appointed land of a Traditional
Owner Land Management Board is land
under the Crown Land (Reserves) Act
1978, the Forests Act 1958, the Land Act
1958, the National Parks Act 1975 or the
Wildlife Act 1975, the Secretary may, by
instrument under seal, delegate any of the
Secretary's functions, powers or duties under
the Act to the Board or an employee of the
Board for the purpose of the performance or
exercise by the Board or employee of that
function, power or duty in managing the
land.

82R Describing land in determinations
Without limiting the use of any other means
to describe land, a determination under this
Part may describe land by reference to a plan
signed by the Surveyor-General attached to
the determination or lodged in the Central
Plan Office.
PART 6—INSERTION OF NEW SCHEDULE IN THE
CONSERVATION, FORESTS AND LANDS ACT 1987

39 Insertion of new Schedule 4

After Schedule 3 to the Conservation, Forests and Lands Act 1987 insert—

"SCHEDULE 4

TRANSITIONAL PROVISIONS APPLYING ON ABOLITION OF TRADITIONAL OWNER LAND MANAGEMENT BOARDS

1 Definitions

In this Schedule—

old board means a Traditional Owner Land Management Board that is being abolished under a determination of the Minister under section 82G.

2 Transfer of assets etc. on abolition

On the making of a determination under section 82G—

(a) any rights, property and assets of the old board that are specified in the determination are taken to be vested in the Secretary; and

(b) any debts, liabilities and obligations of the old board arising out of any vesting under paragraph (a) are deemed to be the debts, liabilities and obligations of the Secretary; and
Part 6—Insertion of new Schedule in the Conservation, Forests and Lands Act 1987

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(c) the Secretary is substituted as a party to any arrangement or contract entered into by or on behalf of the old board arising out of any vesting under paragraph (a).

3 Amendment of Register
The Registrar of Titles must make any recordings in or amendments to the Register under the Transfer of Land Act 1958 that are necessary because of the operation of this Schedule.".
PART 7—AMENDMENT OF THE LAND ACT 1958

40 New section inserted after section 4A

After section 4A of the Land Act 1958 insert—

"4B Power to enter into management agreements with Traditional Owner Land Management Boards

(1) The Secretary may enter into a management agreement with a Traditional Owner Land Management Board for or relating to—

(a) the management of any unreserved Crown land under this Act that is appointed land of that Board; or

(b) the carrying out of specified functions, powers or duties in relation to the management of any unreserved Crown land under this Act, that is appointed land of that Board.

(2) In entering into a management agreement under subsection (1), the Secretary must have regard to any agreement entered into under Division 5 of Part 8A of the Conservation, Forests and Lands Act 1987 in relation to the land.

(3) In this section—

appointed land, in relation to a Traditional Owner Land Management Board, has the same meaning as in the Conservation, Forests and Lands Act 1987;"
Part 7—Amendment of the Land Act 1958

s. 40

Traditional Owner Land Management Board has the same meaning as in the Conservation, Forests and Lands Act 1987.".
PART 8—AMENDMENT OF THE WILDLIFE ACT 1975

41 New section inserted after section 18

After section 18 of the Wildlife Act 1975 insert—

"18A Power to enter into management agreements with Traditional Owner Land Management Boards

(1) The Secretary may enter into a management agreement with a Traditional Owner Land Management Board for or relating to—

(a) the management of any land in a State Wildlife Reserve or Nature Reserve that is appointed land of that Board; or

(b) the carrying out of specified functions, powers or duties in relation to the management of any land in a State Wildlife Reserve or Nature Reserve that is appointed land of that Board.

(2) In entering into a management agreement under subsection (1), the Secretary must have regard to any agreement entered into under Division 5 of Part 8A of the Conservation, Forests and Lands Act 1987 in relation to the land.

(3) In this section—

appointed land, in relation to a Traditional Owner Land Management Board, has the same meaning as in the Conservation, Forests and Lands Act 1987;"
Traditional Owner Land Management Board has the same meaning as in the Conservation, Forests and Lands Act 1987.".
PART 9—AMENDMENT TO THE MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) ACT 1990

42 Definition of restricted Crown land

(1) In clause 1 of Schedule 3 to the Mineral Resources (Sustainable Development) Act 1990—

(a) in subclause (e), after "wildlife reserves" insert "or wildlife areas";

(b) in subclause (f), for "natural features and scenic reserves (including caves and geological reserves)" substitute "natural features reserves, scenic reserves, cave reserves, geological reserves or natural features and scenic reserves".

(2) In clause 1(j) of Schedule 3 to the Mineral Resources (Sustainable Development) Act 1990 omit "(including River Murray Reserve)".

(3) After clause 4A of Schedule 3 to the Mineral Resources (Sustainable Development) Act 1990 insert—

"4AB. Any land described in Division 2A of Part 4A of the Fifth Schedule to the Crown Land (Reserves) Act 1978.".

(4) After clause 4B of Schedule 3 to the Mineral Resources (Sustainable Development) Act 1990 insert—

"4BA. Any land described in Divisions 4 and 5 of Part 4A of the Fifth Schedule to the Crown Land (Reserves) Act 1978.".
PART 10—REPEAL OF AMENDING ACT

43 Repeal of amending Act

This Act is repealed on the first anniversary of its commencement.

Note

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the Interpretation of Legislation Act 1984).
ENDNOTES

† Minister's second reading speech—

Legislative Assembly: 15 October 2009
Legislative Council: 12 November 2009

The long title for the Bill for this Act was "A Bill for an Act to amend the National Parks Act 1975 and the Crown Land (Reserves) Act 1978 to make further provision for parks along the Murray River, and to make other amendments to those Acts and to amend the Conservation, Forests and Lands Act 1987 and the Forests Act 1958 and to make miscellaneous amendments to other Acts and for other purposes."