TABLE OF PROVISIONS

Section                                  Page

PART 1—PRELIMINARY                        1
  1 Purposes                               1
  2 Commencement                           2

PART 2—AMENDMENTS TO THE NATIONAL PARKS    3
ACT 1975                                  3
  3 Definitions                            3
  4 Protection of access rights of freeholders in relation to certain parks 4
  5 Management agreements with managing water authorities 4
  6 Determination of disputes              4
  7 Insertion of section 32NA              4
    32NA Management agreement with Barwon Water—Brisbane Ranges National Park 4
  8 Secretary may consent to certain guns or other weapons being carried or used 5
  9 Repeal of Part VIII                    5
 10 Repeal of spent provision              5
 11 Insertion of new Schedule One AAA      6

SCHEDULE ONE AAA—Transitional Provisions  6

PART 1—PRELIMINARY                        6
  1 Definitions                            6

PART 2—2009 EAST GIPPSLAND ACT            6
  2 Apiary licences and rights             6
  3 Tour operator licences and permits     7
  4 Rights to cease—reserved forest        8
  5 Rights to cease—roads                  8
  6 Land to become part of park on surrender to the Crown—Brisbane Ranges National Park 8
  7 Land adjacent to Croajingolong National Park 9
<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>Land adjacent to Errinundra National Park</td>
</tr>
<tr>
<td>9</td>
<td>Rights to cease—reserved forest—land adjacent to certain parks</td>
</tr>
<tr>
<td>12</td>
<td>Amendment of Schedule One A</td>
</tr>
<tr>
<td>2A</td>
<td>Native Title not affected by the Parks and Crown Land Legislation Amendment (East Gippsland) Act 2009</td>
</tr>
<tr>
<td>13</td>
<td>Amendment of Schedule Two</td>
</tr>
<tr>
<td>14</td>
<td>Amendment of Schedule Two B</td>
</tr>
<tr>
<td>15</td>
<td>New Schedule Three park</td>
</tr>
<tr>
<td></td>
<td><strong>PART 12—TARA RANGE PARK</strong></td>
</tr>
<tr>
<td>16</td>
<td>Amendment of Schedule Seven</td>
</tr>
<tr>
<td>17</td>
<td>Amendment of Schedule Eight</td>
</tr>
<tr>
<td></td>
<td><strong>PART 3—AMENDMENTS TO THE CROWN LAND (RESERVES) ACT 1978</strong></td>
</tr>
<tr>
<td>18</td>
<td>Repeal of certain provisions as to committees of management</td>
</tr>
<tr>
<td>19</td>
<td>Repeal of transitional provisions, 2005 and 2006 Acts</td>
</tr>
<tr>
<td>20</td>
<td>Repeal of transitional provisions, 2008 Act</td>
</tr>
<tr>
<td>21</td>
<td>Insertion of new Schedule</td>
</tr>
<tr>
<td></td>
<td><strong>SECOND SCHEDULE—Transitional Provisions</strong></td>
</tr>
<tr>
<td></td>
<td><strong>PART 1—PRELIMINARY</strong></td>
</tr>
<tr>
<td>1</td>
<td>Definition</td>
</tr>
<tr>
<td></td>
<td><strong>PART 2—2009 EAST GIPPSLAND ACT</strong></td>
</tr>
<tr>
<td>2</td>
<td>Savings of licences and other authorities</td>
</tr>
<tr>
<td>3</td>
<td>Revocation of reservations, regulations and other interests</td>
</tr>
<tr>
<td>4</td>
<td>Committee of management—Aireys Inlet Natural Features Reserve</td>
</tr>
<tr>
<td>22</td>
<td>Insertion of new nature conservation reserves</td>
</tr>
<tr>
<td></td>
<td>Division 15—Boggy Creek Nature Conservation Reserve</td>
</tr>
<tr>
<td></td>
<td>Division 16—Cobon Nature Conservation Reserve</td>
</tr>
<tr>
<td></td>
<td>Division 17—Combienbar River Nature Conservation Reserve</td>
</tr>
<tr>
<td></td>
<td>Division 18—Dawson-Murrindal Nature Conservation Reserve</td>
</tr>
<tr>
<td></td>
<td>Division 19—Lower Cann River Nature Conservation Reserve</td>
</tr>
<tr>
<td></td>
<td>Division 20—Lower Errinundra Nature Conservation Reserve</td>
</tr>
<tr>
<td>Section</td>
<td>Page</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>Division 21—Martins Creek Nature Conservation Reserve</td>
<td>20</td>
</tr>
<tr>
<td>Division 22—Mount Stewart Nature Conservation Reserve</td>
<td>20</td>
</tr>
<tr>
<td>Division 23—Thirty-two Mile Nature Conservation Reserve</td>
<td>20</td>
</tr>
<tr>
<td>Division 24—Timbarra River South Nature Conservation Reserve</td>
<td>20</td>
</tr>
<tr>
<td>Division 25—Wigan River West Nature Conservation Reserve</td>
<td>21</td>
</tr>
<tr>
<td>Division 26—Wombat Creek Nature Conservation Reserve</td>
<td>21</td>
</tr>
<tr>
<td>Insertion of new natural features reserve</td>
<td>21</td>
</tr>
<tr>
<td>Division 9—Aireys Inlet Natural Features Reserve</td>
<td>21</td>
</tr>
<tr>
<td>Altered Crown land reserves—Fifth Schedule</td>
<td>21</td>
</tr>
<tr>
<td>Division 1—Otway Forest Park</td>
<td>21</td>
</tr>
</tbody>
</table>

**PART 4—AMENDMENTS TO THE MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) ACT 1990**

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>25 Definition of restricted Crown land</td>
<td>22</td>
</tr>
</tbody>
</table>

**PART 5—REPEAL OF AMENDING ACT**

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>26 Repeal of amending Act</td>
<td>23</td>
</tr>
</tbody>
</table>

**ENDNOTES**

<table>
<thead>
<tr>
<th></th>
<th>24</th>
</tr>
</thead>
</table>

iii
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 in East Gippsland; and
Part 1—Preliminary

(b) to otherwise amend the National Parks Act 1975 and the Crown Land (Reserves) Act 1978; and

c) to make related amendments to the Mineral Resources (Sustainable Development) Act 1990.

2 Commencement

(1) Subject to subsection (2), this Act comes 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

(1) In section 3(1) of the National Parks Act 1975—

(a) in the definition of designated water supply catchment area, for "South West water supply catchment area" substitute "Wannon water supply catchment area";

(b) in the definition of managing water authority, for "South West water supply catchment area, South West Water" substitute "Wannon water supply catchment area, Wannon Water".

(2) In section 3(1) of the National Parks Act 1975, the definition of South West Water is repealed.

(3) In section 3(1) of the National Parks Act 1975, the definition of South West water supply catchment area is repealed.

(4) In section 3(1) of the National Parks Act 1975 insert—

"Wannon Water means Wannon Region Water Corporation constituted under Part 6 of the Water Act 1989;".

(5) In section 3(1) of the National Parks Act 1975 insert—

"Wannon water supply catchment area means the land shown hatched on the plan numbered N.P. 111H/3 and lodged in the Central Plan Office;".
4 Protection of access rights of freeholders in relation to certain parks

(1) After section 30I(4)(a) of the National Parks Act 1975 insert—
"(ab) Part 2 of Schedule Two;".

(2) After section 30I(4)(b) of the National Parks Act 1975 insert—
"(ba) Part 1 or Part 12 of Schedule Three;".

5 Management agreements with managing water authorities

In section 32I(1) of the National Parks Act 1975, for paragraph (c) substitute—
"(c) Wannon Water for the management by Wannon Water of the Wannon water supply catchment area.".

6 Determination of disputes

In section 32M(1) of the National Parks Act 1975, for paragraph (c) substitute—
"(c) with Wannon Water about the management of the Wannon water supply catchment area—".

7 Insertion of section 32NA

After section 32N of the National Parks Act 1975 insert—
"32NA Management agreement with Barwon Water—Brisbane Ranges National Park

(1) The Minister, with the agreement of the Minister administering the Water Act 1989, may enter into an agreement with Barwon Water for Barwon Water to manage and control any structures and installations on the land described in Part 2 of Schedule Two that are specified in the agreement."
(2) For the purposes of giving effect to an agreement under subsection (1), Barwon Water may operate, repair, replace, maintain, remove, connect, disconnect or do any other thing necessary to manage or control the structures and installations specified in the agreement.

(3) In this section, \textit{structures and installations} means the dam wall and structures and installations associated with the dam wall, including, but not limited to, the spillway, outlet structures, valve houses, standing areas, security fences, survey and geotechnical monitoring points and the vehicle access track between the dam wall security fence and the toe of the dam wall.

8 Secretary may consent to certain guns or other weapons being carried or used

(1) In section 37(3) of the \textbf{National Parks Act 1975}, after "Schedule Two A" insert ", Part 12 of Schedule Three".

(2) In section 37(6) of the \textbf{National Parks Act 1975}, for "Parts 2A, 3, 6, 8 and 12" substitute "Parts 2A, 3, 6 and 8".

9 Repeal of Part VIII

Part VIII of the \textbf{National Parks Act 1975} is repealed.

10 Repeal of spent provision

Section 61B of the \textbf{National Parks Act 1975} is repealed.
11 Insertion of new Schedule One AAA

After Schedule One to the National Parks Act 1975 insert—

"SCHEDULE ONE AAA

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 East Gippsland Act, means the commencement of the provision of the 2009 East Gippsland Act that so inserts or amends the description.

PART 2—2009 EAST GIPPSLAND ACT

2 Apiary licences and rights

(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 28 or 29 of Schedule Two or Part 12 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 29 of Schedule Two; 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.

### 3 Tour operator licences and permits

(1) Any relevant tourism licence or permit in respect of any part of the land described in Part 36 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 section 52 of the **Forests Act 1958**.
4 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 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.

Table

| N.P. 30/7, N.P. 31/5, N.P. 92/2, N.P. 120 |

5 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

| N.P. 1/7, N.P. 30/7, N.P. 31/5, N.P. 61/5, N.P. 92/2, N.P. 105A/2, N.P. 120 |

6 Land to become part of park on surrender to the Crown—Brisbane Ranges National Park

If the land delineated and shown hatched on the plan lodged in the Central Plan Office and numbered N.P. 1/7 is not surrendered to the Crown before the commencement of section 13(1) of the 2009 East Gippsland
Act, that land is taken not to be part of the park described in Part 2 of Schedule Two until the title to the land is surrendered to the Crown.

7 Land adjacent to Croajingolong National Park

(1) On the commencement of section 13(2) of the 2009 East Gippsland Act, the land delineated and coloured orange or coloured purple on the plan lodged in the Central Plan and numbered N.P. 30/7 is taken to be reserved forest under section 42 of the Forests Act 1958.

(2) On the commencement of section 13(2) of the 2009 East Gippsland Act, land that is delineated and coloured orange or coloured yellow and hatched on a plan lodged in the Central Plan Office and numbered N.P. 30/7 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.

8 Land adjacent to Errinundra National Park

(1) On the commencement of section 13(6) of the 2009 East Gippsland Act, the land delineated and coloured orange on the plan lodged in the Central Plan and numbered N.P. 92/2 is taken to be reserved forest under section 42 of the Forests Act 1958.
Part 2—Amendments to the National Parks Act 1975

(2) On the commencement of section 13(6) of the 2009 East Gippsland Act, the land delineated and coloured orange on the plan lodged in the Central Plan and numbered N.P. 92/2 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.

9 Rights to cease—reserved forest—land adjacent to certain parks

On the commencement of this section, the land delineated and 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.

Table

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<thead>
<tr>
<th>N.P. 30/7, N.P. 120</th>
</tr>
</thead>
</table>

12 Amendment of Schedule One A

After clause 2 in Schedule One A to the National Parks Act 1975 insert—

"2A Native Title not affected by the Parks and Crown Land Legislation Amendment (East Gippsland) Act 2009

(1) The amendments made to this Act by the Parks and Crown Land Legislation Amendment (East Gippsland) Act 2009 are not intended to affect native title rights and interests."
Part 2—Amendments to the National Parks Act 1975

No. 90 of 2009

Parks and Crown Land Legislation Amendment (East Gippsland) Act 2009

(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.

13 Amendment of Schedule Two

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

(a) for "7718 hectares" substitute "8865 hectares";

(b) for "bordered red excepting therefrom the roads shown as excluded also excepting therefrom land bordered blue" substitute "coloured pink or coloured yellow excepting therefrom the roads shown as excluded";

(c) for "N.P. 1/6" substitute "N.P. 1/7".

(2) In Part 28 of Schedule Two to the National Parks Act 1975—

(a) for "87 790 hectares" substitute "88 560 hectares";

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

(c) for "N.P. 30/6" substitute "N.P. 30/7";

(d) for "Also excepted" substitute "Excepted".

(3) In Part 29 of Schedule Two to the National Parks Act 1975—

(a) for "987 km²" substitute "114 600 hectares";

(b) after "Deddick," insert "Dellicknora,";
(c) for "Loongelaat, Moonkan, Murrindal East, Tingaringy, Tubbut, Wat Wat and Woongulmerang East" substitute "Moonkan, Murrindal East, Pinnak, Tingaringy, Tubbut, Wat Wat, Woongulmerang East and Yalmy";

(d) for "bordered red, excepting from them the roads shown as excluded also excepting from them the land bordered in blue in a plan prepared by the Surveyor-General" substitute "coloured pink or coloured green or coloured yellow in a plan";

(e) for "N.P. 31/4" substitute "N.P. 31/5".

(4) In Part 31 of Schedule Two to the National Parks Act 1975, for "N.P. 111B/2" substitute "N.P. 111B/3" and for "N.P. 111H/2" substitute "N.P. 111H/3".

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

(a) for "168 110 hectares" substitute "168 145 hectares";

(b) for "N.P. 61/4" substitute "N.P. 61/5".

(6) In Part 36 of Schedule Two to the National Parks Act 1975—

(a) for "26 875 hectares" substitute "39 870 hectares";

(b) after "Bidwell," insert "Bungywarr,";

(c) for "Goongerah and Noonga" substitute "Goolengook, Goongerah, Kuark and Noonga";
(d) for "bordered red or green or coloured yellow, excepting from them the roads shown as excluded" substitute "coloured pink or coloured green or coloured yellow";

(e) for "N.P. 92/1 and N.P. 92A" substitute "N.P. 92/2".

(7) In Part 37 of Schedule Two to the National Parks Act 1975—

(a) for "660 550 hectares" substitute "661 375 hectares";

(b) after "Falls Creek Alpine Resort" insert "also excepting Crown Allotment 1, Section 5, Parish of Burrungabugge";

(c) for "and N.P. 70/1h" substitute ", N.P. 70/1h and N.P. 70/1j".

(8) In Part 41 of Schedule Two to the National Parks Act 1975—

(a) for "17 020 hectares" substitute "17 175 hectares";

(b) omit "or coloured green";

(c) for "N.P. 105A/1" substitute "N.P. 105A/2";

(d) for "and that is at or above" substitute ", that is at or above".

(9) In Part 43 of Schedule Two to the National Parks Act 1975—

(a) for "13 900 hectares" substitute "13 990 hectares";

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

(c) for "N.P. 107" substitute "N.P. 107/1".
14 Amendment of Schedule Two B

In Part 17 of Schedule Two B to the National Parks Act 1975—

(a) for "20 180 hectares" substitute "20 185 hectares";
(b) after "coloured green" insert "or coloured yellow";
(c) for "N.P. 89/2" substitute "N.P. 89/3".

15 New Schedule Three park

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

"PART 12—TARA RANGE PARK

All those pieces and parcels of land containing 7620 hectares, more or less, situate in the Parishes of Bete Belong North, Buchan, Loongelaat and Pinnak, Counties of Croajingolong and Tambo, 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. 120.".

16 Amendment of Schedule Seven

In Part 5 of Schedule Seven to the National Parks Act 1975, for "M.N.P. 4/2" substitute "M.N.P. 4/3".

17 Amendment of Schedule Eight

In Part 2 of Schedule Eight to the National Parks Act 1975, for "area" substitute "land".
PART 3—AMENDMENTS TO THE CROWN LAND
(RESERVES) ACT 1978

18 Repeal of certain provisions as to committees of
management

(1) Section 14(4)(d) of the Crown Land (Reserves)
Act 1978 is repealed.

(2) Section 15(8A)(c) of the Crown Land (Reserves)
Act 1978 is repealed.

19 Repeal of transitional provisions, 2005 and 2006
Acts

(1) Section 50C of the Crown Land (Reserves) Act
1978 is repealed.

(2) Section 62 of the Crown Land (Reserves) Act
1978 is repealed.

20 Repeal of transitional provisions, 2008 Act

(1) Section 65 of the Crown Land (Reserves) Act
1978 is repealed.

(2) Section 67 of the Crown Land (Reserves) Act
1978 is repealed.
21 Insertion of new Schedule

After the First Schedule to the Crown Land (Reserves) Act 1978 insert—

"SECOND SCHEDULE

TRANSITIONAL PROVISIONS

PART 1—PRELIMINARY

1 Definition

In this 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 East Gippsland Act, means the commencement of the provision of the 2009 East Gippsland Act that so inserts or amends the description.

PART 2—2009 EAST GIPPSLAND ACT

2 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—

(a) Division 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 or 26 of Part 1 of the Fifth Schedule; or
(b) Division 9 of Part 3 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* or the *Mineral Resources (Sustainable Development) Act 1990* 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.

3 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—

(i) Division 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 or 26 of Part 1 of the Fifth Schedule; or

(ii) Division 9 of Part 3 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 clause 2, 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) the lands delineated and coloured yellow on the plans lodged in the Central Plan Office and numbered LEGL./09-374, LEGL./09-377, LEGL./09-378, LEGL./09-379, LEGL./09-381 and LEGL./09-384, 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.

4 Committee of management—Aireys Inlet Natural Features Reserve

On the commencement of section 23 of the 2009 East Gippsland Act, the committee of management of Aireys Inlet Recreation Reserve in office immediately before that commencement is taken to be the committee of management appointed under this Act of the land described in Division 9 of Part 3 of the Fifth Schedule.

"__________________".
22 Insertion of new nature conservation reserves

After Division 14 of Part 1 of the Fifth Schedule to the Crown Land (Reserves) Act 1978 insert—

"Division 15—Boggy Creek Nature Conservation Reserve

The land delineated and coloured pink or coloured yellow on the plan lodged in the Central Plan Office and numbered LEGL./09-374.

Division 16—Cobon Nature Conservation Reserve

The land delineated and coloured pink on the plan lodged in the Central Plan Office and numbered LEGL./09-375.

Division 17—Combienbar River Nature Conservation Reserve

The land delineated and coloured pink on the plan lodged in the Central Plan Office and numbered LEGL./09-376.

Division 18—Dawson-Murrindal Nature Conservation Reserve

The land delineated and coloured pink or coloured yellow on the plan lodged in the Central Plan Office and numbered LEGL./09-377.

Division 19—Lower Cann River Nature Conservation Reserve

The land delineated and coloured pink or coloured yellow on the plan lodged in the Central Plan Office and numbered LEGL./09-378.
Division 20—Lower Errinundra Nature Conservation Reserve

The land delineated and coloured pink or coloured yellow on the plan lodged in the Central Plan Office and numbered LEGL./09-379.

Division 21—Martins Creek Nature Conservation Reserve

The land delineated and coloured pink on the plan lodged in the Central Plan Office and numbered LEGL./09-380.

Division 22—Mount Stewart Nature Conservation Reserve

The land delineated and coloured pink or coloured yellow on the plan lodged in the Central Plan Office and numbered LEGL./09-381.

Division 23—Thirty-two Mile Nature Conservation Reserve

The land delineated and coloured pink on the plan lodged in the Central Plan Office and numbered LEGL./09-382.

Division 24—Timbarra River South Nature Conservation Reserve

The land delineated and coloured pink on the plan lodged in the Central Plan Office and numbered LEGL./09-383.
Part 3—Amendments to the Crown Land (Reserves) Act 1978

Division 25—Wigan River West Nature Conservation Reserve

The land delineated and coloured pink or coloured yellow on the plan lodged in the Central Plan Office and numbered LEGL./09-384.

Division 26—Wombat Creek Nature Conservation Reserve

The land delineated and coloured pink on the plan lodged in the Central Plan Office and numbered LEGL./09-385.

23 Insertion of new natural features reserve

After Division 8 of Part 3 of the Fifth Schedule to the Crown Land (Reserves) Act 1978 insert—

"Division 9—Aireys Inlet Natural Features Reserve

Crown allotment 19J, Parish of Angahook."

24 Altered Crown land reserves—Fifth Schedule

(1) Division 3 of Part 5 of the Fifth Schedule to the Crown Land (Reserves) Act 1978 is repealed.

(2) For Division 1 of Part 7 of the Fifth Schedule to the Crown Land (Reserves) Act 1978 substitute—

"Division 1—Otway Forest Park

The land delineated and coloured pink on the plans lodged in the Central Plan Office and numbered LEGL./08-012, LEGL./08-014, LEGL./08-015, LEGL./09-386 and LEGL./09-387."
PART 4—AMENDMENTS TO THE MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) ACT 1990

25 Definition of restricted Crown land

(1) In clause 4A of Schedule 3 to the Mineral Resources (Sustainable Development) Act 1990, after "1 to 6" insert "and 9".

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

"4D. Any land described in Divisions 15 to 26 of Part 1 of the Fifth Schedule to the Crown Land (Reserves) Act 1978.".
PART 5—REPEAL OF AMENDING ACT

26 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: 10 November 2009
Legislative Council: 27 November 2009

The long title for the Bill for this Act was "A Bill for an Act to amend the Crown Land (Reserves) Act 1978 and the National Parks Act 1975 to make further provision for parks in East Gippsland, and to make other amendments to those Acts, and to make related amendments to another Act and for other purposes."