

**National Parks (Box-Ironbark and Other Parks)  
Act 2002  
Act No. 50/2002**

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Victoria

No. 50 of 2002

## National Parks (Box-Ironbark and Other Parks) Act 2002<sup>†</sup>

[Assented to 29 October 2002]

The Parliament of Victoria enacts as follows:

### PART 1—PRELIMINARY

#### 1. *Purposes*

The purposes of this Act are—

- (a) to amend the **National Parks Act 1975** to create new parks under that Act and make further provision in relation to existing parks and other Crown land and to make other amendments to that Act; and

- (b) to create new reserves under the **Crown Land (Reserves) Act 1978** and to make other amendments to that Act; and
- (c) to make related amendments to the **Mineral Resources Development Act 1990**, the **Reference Areas Act 1978** and the **Forests Act 1958** and to make further consequential amendments to those Acts.

**2. Commencement**

This Act comes into operation on the day after the day on which it receives the Royal Assent.

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**PART 2—AMENDMENTS TO THE NATIONAL PARKS ACT  
1975**

**3. Definitions**

In section 3(1) of the **National Parks Act 1975**,  
**insert** the following definitions—

' "**exploration licence**" means an exploration  
licence under Part 2 of the **Mineral  
Resources Development Act 1990**;

"**miner's right**" has the same meaning as in the  
**Mineral Resources Development Act 1990**;

"**mining licence**" means a mining licence under  
Part 2 of the **Mineral Resources  
Development Act 1990**;

"**search**" has the same meaning as in the **Mineral  
Resources Development Act 1990**;

"**tourist fossicking authority**" means a tourist  
fossicking authority under Part 5 of the  
**Mineral Resources Development Act  
1990**;'.

**4. Amendments to sections 17 and 19**

(1) In section 17(2) of the **National Parks Act 1975**,  
after paragraph (a) **insert**—

"(aa) have regard to all classes of management  
actions that may be implemented for the  
purposes of maintaining and improving the  
ecological function of the park;".

(2) In section 19B(1) of the **National Parks Act  
1975**, for "18(1)" **substitute** "18".

See:  
Act No.  
8702.  
Reprint No. 8  
as at  
25 January  
2001 and  
amending  
Act Nos  
44/2001,  
11/2002 and  
40/2002.  
LawToday:  
www.dms.  
dpc.vic.  
gov.au

- (3) In section 17 of the **National Parks Act 1975**, after sub-section (2) **insert**—
- "(2A) In relation to a national park or State park created after the commencement of section 4 of the **National Parks (Box-Ironbark and Other Parks) Act 2002** the Minister must cause a report for that park, setting out the information prescribed in sub-section (2B), to be laid before each House of Parliament within 12 months of the creation of that park, or, if either House is not then sitting, within 5 sitting days of that House after that date.
- (2B) A report prepared under sub-section (2A) must—
- (a) set out the priorities for the achievement of the management objectives listed in sub-section (2); and
  - (b) set out the actions that are required to achieve those priorities through the management plan; and
  - (c) set out the funding that has been allocated to achieving those priorities; and
  - (d) be independently assessed."

(4) In section 19B(6) of the **National Parks Act 1975**, for "18(1)" **substitute** "18".

**5. Amendment to section 25B—Extraction of forest produce**

In section 25B(1) of the **National Parks Act 1975**—

- (a) **omit** ", 28";
  - (b) **omit** "or Part 12 of Schedule Three";
  - (c) **omit** "or the taking of firewood is authorised by Part 30 of Schedule Two".
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**6. Insertion of new section 29A**

In the **National Parks Act 1975**, after section 29  
**insert—**

**'29A. Lighthouse leases—Wilsons Promontory  
National Park**

- (1) The Minister may lease any lighthouse land for similar purposes to the purposes of the leases referred to in sub-section (3).
- (2) A lease granted under sub-section (1)—
  - (a) must be granted in writing; and
  - (b) must not be for a term of more than 21 years; and
  - (c) is subject to the rent and other charges and terms and conditions determined by the Minister.
- (3) The addition of land to Part 23 of Schedule Two by section 12 of the **National Parks (Box-Ironbark and Other Parks) Act 2002** does not affect the existence and operation of the following leases—
  - (a) the lease between the Minister for Conservation and Environment of the State of Victoria and the Commonwealth of Australia dated 1 December 1995 over the land shown delineated and hatched in the plan lodged in the Central Plan Office and numbered LEGL./02-069;
  - (b) the lease between the Minister for Conservation and Environment of the State of Victoria and the Australian Maritime Safety Authority dated 1 December 1995 over the land located at Citadel Island and described as Lot 1B on Consolidated Plan 116401;

- (c) the lease between the Minister for Conservation and Environment of the State of Victoria and the Australian Maritime Safety Authority dated 1 December 1995 over the land located at Wilsons Promontory and described as Lot 1C on Consolidated Plan 116398;
  - (d) the lease between the Minister for Conservation and Environment of the State of Victoria and the Australian Maritime Safety Authority dated 1 December 1995 over the land located at Wilsons Promontory and described as Lot 1D on Consolidated Plan 116398;
  - (e) the lease between the Minister for Conservation and Environment of the State of Victoria and the Australian Maritime Safety Authority dated 1 December 1995 over the land located at Wilsons Promontory and described as Lot 1E on Consolidated Plan 116398.
- (4) A lease referred to in sub-section (3) continues in force, subject to its terms, for the period of the lease despite anything to the contrary in this Act or any other Act.
- (5) In this section, "**lighthouse land**" means any land that is the subject of a lease referred to in sub-section (3).'

**7. Insertion of new sections 30G to 30N**

After section 30F of the **National Parks Act 1975**  
**insert—**

**'30G. Water distribution works authority—  
Greater Bendigo National Park, Broken-  
Boosey State Park, Castlemaine Diggings  
National Heritage Park**

- (1) The Minister may grant an authority to a person to install, operate or manage works for the purposes of conveying water over any part of the land described in Part 41 of Schedule Two, Part 37 of Schedule Two B or Part 8 of Schedule Four.
- (2) An authority under sub-section (1) may be granted for the term determined by the Minister.
- (3) An authority under sub-section (1) is subject to—
  - (a) any conditions the Minister thinks fit to impose; and
  - (b) the payment of any fee or charge determined by the Minister.
- (4) An authority under sub-section (1) may be cancelled by the Minister if the holder does not comply with a condition of the authority.
- (5) The holder of an authority under sub-section (1) must not transfer the authority unless the holder has first obtained the consent of the Minister.
- (6) Despite the commencement of sections 12, 13 and 15 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, a person who was using works for the purposes of conveying water over any part of the land described in Part 41 of

Schedule Two, Part 37 of Schedule Two B or Part 8 of Schedule Four immediately before the commencement of those sections may continue to use those works for that purpose for 12 months after the commencement of those sections or until the Minister grants an authority under this section (whichever is the earlier).

- (7) Any use of works under sub-section (6) is subject to the conditions that applied to that use immediately before the commencement of sections 12, 13 and 15 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**.

**30H. Dam licences—*Greater Bendigo National Park, Castlemaine Diggings National Heritage Park***

- (1) The Minister may grant a licence to any person to use land for a dam that existed immediately before the commencement of sections 12 and 15 of the **National Parks (Box-Ironbark and Other Parks) Act 2002** on any part of the land described in Part 41 of Schedule Two or Part 8 of Schedule Four.
- (2) A licence under sub-section (1) may be granted for a term of not more than 3 years.
- (3) A licence under sub-section (1) is subject to—
- (a) any conditions the Minister thinks fit to impose; and
  - (b) the payment of any fee or charge determined by the Minister.
- (4) A licence under sub-section (1) may be cancelled by the Minister if the holder does not comply with a condition of the licence.
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- (5) The holder of a licence under sub-section (1) must not transfer the licence unless the holder has first obtained the consent of the Minister.
- (6) Despite the commencement of sections 12 and 15 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, a licence over any part of the land described in Part 41 of Schedule Two or Part 8 of Schedule Four—
- (a) that has been granted to a person under section 52 of the **Forests Act 1958** to use land for the purposes of a dam; and
  - (b) that is in force immediately before the commencement of those sections—
- subject to the provisions of the **Forests Act 1958**, continues in force as a licence granted under that Act until the date of its expiry.
- (7) Despite the commencement of section 15 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, a licence over any part of the land described in Part 8 of Schedule Four—
- (a) that has been granted to a person under section 138 of the **Land Act 1958** to use land for the purposes of a dam; and
  - (b) that is in force immediately before the commencement of that section—
- subject to the provisions of the **Land Act 1958**, continues in force as a licence granted under that Act until the date of its expiry.

**30I. *Protection of access rights of freeholders in relation to certain parks***

- (1) If a person holds a fee simple in land abutting or surrounded by a relevant park, the Minister may grant to that person that reasonable right of access to his or her land that will, in the Minister's opinion, allow that person to use his or her land.
- (2) A right of access under this section is subject to any conditions 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 relevant park.
- (4) In this section "**relevant park**" means the land described in any of the following—
  - (a) Part 30, Part 41 or Part 42 of Schedule Two;
  - (b) Part 15, Part 26, Part 30 or Part 37 of Schedule Two B;
  - (c) Part 8 of Schedule Four.

**30J. *Protection of access rights of freeholders in Mitchell River National Park***

- (1) If a person holds a fee simple in land surrounded by the park described in Part 8 of Schedule Two, the Minister may grant to that person that reasonable right of access to his or her land that will, in the Minister's opinion, allow that person to use his or her land.
  - (2) A right of access under this section is subject to any conditions the Minister thinks fit to impose.
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- (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.

**30K. *Right to move cattle or sheep through Heathcote-Graytown National Park and Broken-Boosey State Park***

- (1) If a person holds a fee simple in land abutting the park described in Part 42 of Schedule Two or Part 37 of Schedule Two B, the Minister may grant to that person a reasonable right to move cattle or sheep through any part of the park.
- (2) A right under this section is subject to any conditions 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.

**30L. *Reports to be prepared for certain parks***

- (1) In relation to the parks described in Parts 8, 23, 30, 40, 41, 42 and 43 of Schedule Two the Minister must cause a report for each park, setting out the information prescribed in sub-section (2), to be laid before each House of Parliament within 12 months of the commencement of section 12 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, or, if either House is not then sitting, within 5 sitting days of that House after that date.
- (2) In relation to the parks described in Parts 15, 26, 30, 37 and 38 of Schedule Two B the Minister must cause a report for each park, setting out the information prescribed in sub-section (2), to be laid before each House of

Parliament within 12 months of the commencement of section 13 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, or, if either House is not then sitting, within 5 sitting days of that House after that date.

- (3) A report prepared under sub-section (1) or (2) must—
- (a) set out the priorities for the achievement of the management objectives listed in section 17(2); and
  - (b) set out the actions that are required to achieve those priorities through the management plan; and
  - (c) set out the funding that has been allocated to achieving those priorities; and
  - (d) be independently assessed.

**30M. *Water licences—Broken-Boosey State Park***

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 Part 37 of Schedule Two B must not be issued except with the consent of the Minister and subject to any conditions the Minister thinks fit to impose.

**8. *Searching for minerals***

- (1) **Insert** the following heading to section 32D of the **National Parks Act 1975**—

*"Authorities to search for minerals in certain parks"*.

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(2) In section 32D(1) of the **National Parks Act 1975**, for paragraphs (a), (b), (c) and (d) **substitute**—

"(a) the parks described in any of the following—

- (i) Part 30, 41, 42 or 43 of Schedule Two;
- (ii) Part 15, 26, 31, 36 or 38 of Schedule Two B;
- (iii) Part 1 or 13 of Schedule Three;
- (iv) Part 8 of Schedule Four—

in which searching for minerals under a miner's right or tourist fossicking authority will be permitted;

(b) the parks described in any of the following—

- (i) Part 31 of Schedule Two;
- (ii) Part 15 or 30 of Schedule Two B;
- (iii) Part 15 of Schedule Three—

in which searching for gemstones under a miner's right or tourist fossicking authority will be permitted;

(c) the tidal zones of the park described in Part 4 of Schedule Four in which searching for gemstones under a miner's right or tourist fossicking authority will be permitted."

(3) In section 32D(2) of the **National Parks Act 1975**, for "fossick or prospect or fossick and prospect (as the case may be)" **substitute** "search for minerals".

**9. Carriage and use of firearms—Reef Hills State Park**

In section 37(2) of the **National Parks Act 1975**—

- (a) for "to carry and use" **substitute** "to carry or use";

- (b) after "Schedule Two or" **insert** "Part 38 of Schedule Two B or";
- (c) for "6, 8 and 12" **substitute** "6 and 8".

**10. Amendment to provisions relating to mining in parks**

- (1) In section 40 of the **National Parks Act 1975**, after sub-section (1B) **insert**—

"(1C) Despite sub-sections (1) and (1AA) of this section, a mining licence or an exploration licence may be granted (if the Minister so consents) in respect of any part of the park described in Part 41 of Schedule Two that is shown by hatching or cross-hatching on the plans lodged in the Central Plan Office and numbered N.P. 105A and N.P. 105B.

- (1D) A mining licence granted in accordance with sub-section (1C)—

- (a) despite section 14 of the **Mineral Resources Development Act 1990**, does not entitle the holder to do anything in the part of the park in respect of which the licence has been granted other than construct and operate minor mining infrastructure; and
- (b) is subject to any terms and conditions imposed by the Minister as to the nature of the infrastructure and as to the effect any such infrastructure may have on the park.

- (1E) An exploration licence granted in accordance with sub-section (1C) is subject to any terms and conditions that the Minister thinks fit to impose.

- (1F) Despite the application of sub-section (1) to the land described in Part 6 of Schedule Four and section 14 of the **Mineral Resources Development Act 1990**, a mining licence granted in respect of any part of the land so described does not entitle the holder to carry out mining on the land surface of the whole or any part of the land so described.
- (1G) Despite any provision of this Act or section 14 of the **Mineral Resources Development Act 1990**, a mining licence granted in respect of any part of the land described in Part 6 of Schedule Four may authorise the holder to construct and operate minor mining infrastructure (whether on the surface or otherwise) of the land so described, if the Minister has consented to any such construction or operation.
- (1H) A mining licence in respect of which a consent has been given under sub-section (1G) is subject to any terms and conditions imposed by the Minister as to the nature of the infrastructure and as to the effect the infrastructure may have on the land described in Part 6 of Schedule Four."
- (2) In section 40(3) of the **National Parks Act 1975**, for "(1) or (1A) or (2)" **substitute** "(1), (1A), (1C), (1G) or (2)".
- (3) In section 40(6) of the **National Parks Act 1975**, for "lease licence permit or consent" **substitute** "lease, licence or permit to which sub-section (1) applies or any such consent of the Minister under sub-section (1A) or (2)".

- (4) In section 40 of the **National Parks Act 1975**, after sub-section (6) **insert—**

"(7) The Minister must cause notice of any mining licence or exploration licence to which sub-section (1C) or (1G) applies and any consent of the Minister to the granting of any such mining licence or exploration licence to be laid before both Houses of Parliament."

**11. Insertion of new sections 50A to 50N**

After section 50 of the **National Parks Act 1975** **insert—**

**'50A. National Parks (Box-Ironbark and Other Parks) Act 2002—Cessation of rights**

- (1) On the commencement of section 12 of the **National Parks (Box-Ironbark and Other Parks) Act 2002—**
- (a) the lands delineated and coloured green on the plans lodged in the Central Plan Office and numbered N.P. 42/4 and N.P. 42B, N.P. 84/2, N.P. 105A and N.P. 105B, N.P. 106 and N.P. 107 cease to be reserved forest; and
  - (b) the lands delineated and coloured brown on the plan lodged in the Central Plan Office and numbered N.P. 106 cease to be reserved forest.
- (2) On the commencement of section 12 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, the lands delineated and coloured yellow on the plans lodged in the Central Plan Office and numbered N.P. 7/3, N.P. 42/4 and N.P. 42A, N.P. 84/2, N.P. 105A and N.P. 105B, N.P. 106 and N.P. 107 cease to be roads or parts of roads or road reserves and all rights, easements and
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- privileges existing or claimed either by the public or any other body and incidental to any express or implied grant or past dedication or supposed dedication or any past user or fiction of law cease and determine.
- (3) On the commencement of section 13 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**—
- (a) the lands delineated and coloured green on the plans lodged in the Central Plan Office and numbered N.P. 64/2, N.P. 96/3 and N.P. 26/6 cease to be reserved forest; and
  - (b) the lands delineated and coloured brown on the plan lodged in the Central Plan Office and numbered N.P. 64/2 cease to be reserved forest.
- (4) On the commencement of section 13 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, the lands delineated and coloured yellow on the plans lodged in the Central Plan Office and numbered N.P. 64/2, N.P. 96/3, N.P. 26/6 and N.P. 108 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 other body and incidental to any express or implied grant or past dedication or supposed dedication or any past user or fiction of law cease and determine.

**50B. *National Parks (Box-Ironbark and Other Parks) Act 2002—Revocation of interests in land—Greater Bendigo National Park***

On the commencement of section 12 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, the land delineated and coloured grey on the plan lodged in the Central Plan Office and numbered N.P. 105B is deemed to be freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests over that land that were in existence immediately before that commencement.

**50C. *National Parks (Box-Ironbark and Other Parks) Act 2002—Land to become reserved forest—Land adjoining Paddys Ranges State Park***

On the commencement of section 13 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, the land delineated and coloured orange on the plan lodged in the Central Plan Office and numbered N.P. 96/3—

- (a) ceases 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 other body and incidental to any express or implied grant, or past dedication or supposed dedication or any past user or fiction of law cease and determine; and
  - (b) the land is deemed to be reserved forest under section 42 of the **Forests Act 1958**.
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**50D. *National Parks (Box-Ironbark and Other Parks) Act 2002—Continuation of licences to cut and take away forest produce for the purpose of eucalyptus oil harvesting under the Forests Act 1958—Greater Bendigo National Park***

- (1) On the commencement of section 12 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, any licence in force immediately before the commencement of that section that was granted under section 52 of the **Forests Act 1958** to cut and take away forest produce for the purpose of eucalyptus oil harvesting on any part of the land shown by cross-hatching on the plan lodged in the Central Plan Office and numbered N.P. 105A, subject to the provisions of the **Forests Act 1958**, continues in force as a licence granted under that Act until the date of its expiry.
- (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 to cut and take away forest produce for the purposes of eucalyptus oil harvesting to a person who is the holder of a licence to which sub-section (1) applies in respect of any part of the land shown by cross-hatching on the plan referred to in sub-section (1). Any licence so granted may be dealt with under that section.
- (3) This section expires on 26 February 2012.

**50E. *National Parks (Box-Ironbark and Other Parks) Act 2002—Continuation of licences to cut and take away forest produce under the Forests Act 1958—Warby Range State Park***

On the commencement of section 13 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, any licence in force immediately before the commencement of that section that was granted under section 52 of the **Forests Act 1958** to cut and take away forest produce on any part of the land shown by cross-hatching on the plan lodged in the Central Plan Office and numbered N.P. 26/6, subject to the provisions of the **Forests Act 1958**, continues in force as a licence granted under that Act until the date of its expiry.

**50F. *National Parks (Box-Ironbark and Other Parks) Act 2002—Granting of licences to cut and take away forest produce for firewood under the Forests Act 1958—Certain national parks, State parks and Crown land reserves***

- (1) Despite anything to the contrary in this Act, section 52 of the **Forests Act 1958** continues to apply to enable a licence to be granted under that section to cut and take away for firewood, forest produce that has been cut in accordance with a licence granted under that section before 13 July 2002, in respect of any part of the land described in Part 41, 42 or 43 of Schedule Two, Part 15 of Schedule Two B or Part 8 of Schedule Four. Any licence so granted may be dealt with under that section.
  - (2) Sub-section (1) expires on 31 December 2005.
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- (3) Despite anything to the contrary in this Act, section 52 of the **Forests Act 1958** continues to apply to enable a licence to be granted under that section to cut and take away for firewood, forest produce that has been cut in accordance with a licence to which section 50E applies, in respect of any part of the land shown by cross-hatching on the plan lodged in the Central Plan Office and numbered N.P. 26/6. Any licence so granted may be dealt with under that section.
- (4) Sub-section (3) expires on 30 June 2003.

**50G.** *National Parks (Box-Ironbark and Other Parks) Act 2002—Continuation of licences to cut and take away forest produce under the Forests Act 1958—Heathcote-Graytown National Park*

On the commencement of section 12 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, any licence in force immediately before the commencement of that section that was granted under section 52 of the **Forests Act 1958** to cut and take away forest produce on any part of the land described in Part 42 of Schedule Two, subject to the provisions of the **Forests Act 1958**, continues in force as a licence granted under that Act until the date of its expiry.

**50H.** *National Parks (Box-Ironbark and Other Parks) Act 2002—Continuation of apiary licences under the Land Act 1958 and the Forests Act 1958*

- (1) Despite the commencement of sections 12, 13 and 15 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, a bee farm licence or apiary occupation right—
-

- (a) granted to a person under section 141, 147 or 149 of the **Land Act 1958** in respect of any part of the land described in Part 30, 41, 42 or 43 of Schedule Two, Part 15 or 37 of Schedule Two B or Part 8 of Schedule Four; and
- (b) in force immediately before the commencement of those sections—
- subject to the provisions of the **Land Act 1958**, continues in force as a licence granted under that Act until the date of its expiry.
- (2) Despite the commencement of sections 12, 13 and 15 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, a licence to take honey—
- (a) granted to a person under section 52 of the **Forests Act 1958** in respect of any part of the land described in Part 30, 41, 42 or 43 of Schedule Two, Part 15, 26 or 30 of Schedule Two B or Part 8 of Schedule Four; and
- (b) in force immediately before the commencement of those sections—
- subject to the provisions of the **Forests Act 1958**, continues in force as a licence granted under that Act until the date of its expiry.
- 50I. *National Parks (Box-Ironbark and Other Parks) Act 2002—Powers in relation to certain grazing licences under the Land Act 1958 and the Forests Act 1958***
- (1) Despite the commencement of sections 12, 13 and 15 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, a grazing licence for a term of one year—
-

- (a) granted to a person under section 130 of the **Land Act 1958** in respect of any part of the land described in Part 41 or 42 of Schedule Two, Part 37 of Schedule Two B or Part 8 of Schedule Four; and
  - (b) in force immediately before that commencement—  
  
subject to the provisions of the **Land Act 1958**, continues in force as a licence granted under that Act until the date of its expiry.
- (2) Despite anything to the contrary in this Act, section 130 of the **Land Act 1958** continues to apply to enable grazing licences to be granted under that section to a person who is the holder of a licence to which sub-section (1) applies in respect of land described in the licence. Any licence so granted may be dealt with under that section.
  - (3) Sub-sections (1) and (2) expire 3 years after the commencement of sections 12, 13 and 15.
  - (4) Despite the commencement of sections 12, 13 and 15 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, a grazing licence for a term of five years—
    - (a) granted to a person under section 130 of the **Land Act 1958** over any part of the land described in Part 30 of Schedule Two, Part 15 or 37 of Schedule Two B or Part 8 of Schedule Four; and

*National Parks (Box-Ironbark and Other Parks) Act 2002*  
*Act No. 50/2002*

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- (b) in force immediately before that commencement—

subject to the provisions of the **Land Act 1958**, continues in force as a licence granted under that Act until 3 years after the commencement of sections 12, 13 and 15 of the **National Parks (Box-Ironbark and Other Parks) Act 2002** or the expiry of the licence (whichever is the later).

- (5) Despite the commencement of sections 12, 13 and 15 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, a grazing licence—
- (a) granted to a person under section 52 of the **Forests Act 1958** over any part of the land described in Part 30, 41 or 42 of Schedule Two, Part 15 of Schedule Two B or Part 8 of Schedule Four; and
- (b) in force immediately before the commencement of those sections—

subject to the provisions of the **Forests Act 1958**, continues in force as a licence granted under that Act until the date of its expiry.

- (6) Despite anything to the contrary in this Act, section 52 of the **Forests Act 1958** continues to apply to enable grazing licences to be granted under that section to a person who is the holder of a licence to which sub-section (5) applies in respect of land described in the licence. Any licence so granted may be dealt with under that section.
- (7) Sub-sections (5) and (6) expire 3 years after the commencement of sections 12, 13 and 15.

**50J. *National Parks (Box-Ironbark and Other Parks) Act 2002—Continuation of grazing licences under the Land Act 1958—Mitchell River National Park***

Despite the commencement of section 12 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, a grazing licence—

- (a) granted to a person under section 130 of the **Land Act 1958** in respect of any part of the land shown hatched on the plan lodged in the Central Plan Office and numbered N.P. 7/3; and
- (b) in force immediately before that commencement—

subject to the provisions of the **Land Act 1958**, continues in force as a licence granted under that Act until 30 June 2003.

**50K. *Land to become part of park on surrender to the Crown***

If the land shown delineated and coloured blue on the plan numbered N.P. 105B is not surrendered to the Crown before the commencement of section 12 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, that land is deemed to be excluded from the park described in Part 41 of Schedule Two until the title to the land is surrendered to the Crown.

**50L. *National Parks (Box-Ironbark and Other Parks) Act 2002—Transitional provision—Existing authorities under the Mineral Resources Development Act 1990***

- (1) For the purposes of the renewal of an exploration licence over any relevant Greater Bendigo land that is in force immediately before the commencement of the **National**

**Parks (Box-Ironbark and Other Parks)**

**Act 2002**, the licence is to be taken to be, on and from that commencement, an exploration licence to which section 40(1C) applies.

- (2) In this section "**relevant Greater Bendigo land**" means that part of the park described in Part 41 of Schedule Two that is shown by hatching or cross-hatching on the plans lodged in the Central Plan Office and numbered N.P. 105A and N.P. 105B.

**50M. Registrar of Titles to make necessary amendments to records**

The Registrar of Titles, on being requested to do so and on submission of any relevant certificate of title or other document, must make any amendments to the Register under the provisions of the **Transfer of Land Act 1958** that are necessary because of the operation of any provision of the **National Parks (Box-Ironbark and Other Parks) Act 2002**.

**50N. Native Title not affected by amendments**

- (1) The amendments made to this Act by the **National Parks (Box-Ironbark and Other Parks) Act 2002** are not intended to affect native title rights and interests.
- (2) Sub-section (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.
- (3) In this section—  
"**affect**" has the same meaning as in the Native Title Act 1993 of the Commonwealth;
-

**"native title rights and interests"** has the same meaning as in the Native Title Act 1993 of the Commonwealth.'

**12. Amendment of Schedule Two**

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

- (a) for "11 900 hectares" **substitute** "14 250 hectares";
- (b) for "Marlook" **substitute** "Marlooh, Morekana";
- (c) for "bordered red or bordered green" **substitute** "coloured pink";
- (d) **omit** ", excepting therefrom the roads shown as excluded also excepting therefrom land bordered blue";
- (e) for "N.P. 7/2" **substitute** "N.P. 7/3".

(2) In Part 23 of Schedule Two to the **National Parks Act 1975**—

- (a) for "490 square kilometres" **substitute** "49 049 hectares";
- (b) after "Wilson's Promontory, being" **insert** "the land delineated and coloured pink on a plan lodged in the Central Plan Office and numbered N.P. 17A and".

(3) In Schedule Two to the **National Parks Act 1975**, for Part 30 **substitute**—

**"PART 30—CHILTERN-MT PILOT NATIONAL PARK**

All those pieces and parcels of land containing 21 565 hectares, more or less, in the Parishes of Barambogie, Barnawatha South, Beechworth, Byawatha, Chiltern, Chiltern West, El Dorado, Everton,

Wooragee, Wooragee North, County of Bogong, 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. 42/4 and N.P. 42A."

- (4) In Part 40 of Schedule Two to the **National Parks Act 1975**—
- (a) for "3770 hectares" **substitute** "3 880 hectares";
  - (b) for "bordered red" **substitute** "coloured pink or coloured green";
  - (c) **omit** ", excepting therefrom the roads shown as excluded";
  - (d) for "N.P. 84/1" **substitute** "N.P. 84/2".
- (5) In Schedule Two to the **National Parks Act 1975**, after Part 40 **insert**—

**"PART 41—GREATER BENDIGO NATIONAL PARK**

All those pieces and parcels of land containing 17 000 hectares, more or less, situate in the Parishes of Bagshot, Egerton, Huntly, Lockwood, Mandurang, Neilborough, Nerring, Sandhurst, Strathfieldsaye and Whirrakee, County of Bendigo, being the land delineated and coloured pink or coloured green or coloured yellow or coloured grey or coloured blue excepting therefrom the roads shown as excluded in plans lodged in the Central Plan Office and numbered N.P. 105A and N.P. 105B and, in the case of the land shown by hatching or cross-hatching on those plans, that is at or above a depth of 100 metres below the land surface.

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**PART 42—HEATHCOTE-GRAYTOWN  
NATIONAL PARK**

All those pieces and parcels of land containing 12 700 hectares, more or less, situate in the Township of Graytown and the Parishes of Cherrington, Costerfield, Dargile, Heathcote, Moormbool East, Moormbool West, Redcastle and Wirrate, Counties of Dalhousie and Rodney, being the land delineated and coloured pink or coloured green or coloured yellow in a plan lodged in the Central Plan Office and numbered N.P. 106.

**PART 43—ST ARNAUD RANGE NATIONAL  
PARK**

All those pieces and parcels of land containing 13 900 hectares, more or less, situate in the Parishes of Barkly, Boola Boloke, Carapooee West and Redbank, County of Kara Kara, being the land delineated and coloured pink or coloured green or coloured yellow in a plan lodged in the Central Plan Office and numbered N.P. 107."

**13. Amendment of Schedule Two B**

- (1) In Schedule Two B to the **National Parks Act 1975**, Parts 13 and 14 are **repealed**.
- (2) In Schedule Two B to the **National Parks Act 1975**, for Part 15 **substitute—**

**"PART 15—KOOYOORA STATE PARK**

All those pieces and parcels of land containing 11 350 hectares, more or less, situate in the Township of Kooyoora and the Parishes of Brenanah, Glenalbyn,

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Kangderaar, Kingower, Tchuterr and Wehla, County of Gladstone, being the land delineated and coloured pink or coloured green or coloured yellow in a plan lodged in the Central Plan Office and numbered N.P. 64/2."

- (3) In Part 26 of Schedule Two B to the **National Parks Act 1975**—
- (a) for "1675 hectares" **substitute** "2 010 hectares";
  - (b) for "Parishes of Amherst and Maryborough" **substitute** "Parishes of Amherst, Bung Bong and Maryborough";
  - (c) for "bordered red or coloured yellow excepting therefrom the roads shown as excluded, also excepting therefrom land bordered blue" **substitute** "coloured pink or coloured green or coloured yellow";
  - (d) for "N.P. 96/2" **substitute** "N.P. 96/3".
- (4) In Part 30 of Schedule Two B to the **National Parks Act 1975**—
- (a) for "7600 hectares" **substitute** "11 460 hectares";
  - (b) for "Parishes of Glenrowen, Killawarra and Taminick" **substitute** "Parishes of Boweya, Glenrowen, Killawarra, Peechelba and Taminick";
  - (c) for "bordered red or bordered green, excepting therefrom the Wangaratta–Thoona road and the roads shown as excluded, also excepting therefrom the land bordered blue in plans" **substitute** "coloured pink or coloured green or coloured yellow in a plan";
  - (d) for "N.P. 26/5 and N.P. 26A" **substitute** "N.P. 26/6".
-

- (5) In Schedule Two B to the **National Parks Act 1975**, Part 33 is **repealed**.
- (6) In Schedule Two B to the **National Parks Act 1975**, after Part 36 **insert—**

**"PART 37—BROKEN-BOOSEY STATE PARK**

All those pieces and parcels of land containing 1 030 hectares, more or less, situate in the Townships of Dunbulbalane, Katamatite and Wunghnu and the Parishes of Boosey, Drumanure, Dunbulbalane, Katamatite, Naringaningalook, Tharanbegga, Youanmite and Youarang, County of Moira, being the land delineated and coloured pink and coloured yellow excepting therefrom the roads shown as excluded in a plan lodged in the Central Plan Office and numbered N.P. 108.

**PART 38—REEF HILLS STATE PARK**

All those pieces and parcels of land containing 2 020 hectares, more or less, situate in the Parishes of Benalla and Kelfeera, County of Delatite, being the land delineated and coloured pink in a plan lodged in the Central Plan Office and numbered N.P. 68/1."

**14. Amendment of Schedule Three**

- (1) In Part 1 of Schedule Three to the **National Parks Act 1975—**
  - (a) for "1130 hectares" **substitute** "1 080 hectares";
  - (b) for "N.P. 38A/1" **substitute** "N.P. 38A/2".
- (2) In Schedule Three to the **National Parks Act 1975**, Part 12 is **repealed**.

**15. Amendment of Schedule Four**

- (1) In Part 6 of Schedule Four to the **National Parks Act 1975**—
- (a) in the heading to the Part, for "**DEEP LEAD FLORA AND FAUNA RESERVE**" substitute "**DEEP LEAD NATURE CONSERVATION RESERVE (NO. 1)**";
  - (b) after "1120 hectares, more or less," **insert** "to a depth of 100 metres below the land surface";
  - (c) after "24 November 1987" **insert** "and section 33 of the **Crown Land (Reserves) Act 1978**";
  - (d) after "2 December 1987" **insert** "and section 33 of the **Crown Land (Reserves) Act 1978**";
  - (e) for "Sections 1 to 6 inclusive, 9 to 27 inclusive, 33(2), 33(3) and 35 to 48 inclusive." **substitute** "Sections 3, 4(b) and (c), 6, 11, 14, 15, 16, 16A, 18, 19, 19B, 19F, 20, 21, 22, 23, 24, 26A, 27, 33, 35, 36, 37, 38, 39, 40, 41, 43, 44, 45, 46, 47, 47A, 47B, 47C and 48.".
- (2) In Schedule Four to the **National Parks Act 1975**, after Part 7 **insert**—

**"PART 8—CASTLEMAINE DIGGINGS  
NATIONAL HERITAGE PARK**

*Description*

Crown land permanently reserved under section 31 of the **Crown Land (Reserves) Act 1978** for the purposes of the protection of cultural and natural heritage.

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*Section of Act under which land is managed*  
19B.

*Date of appointment of Secretary to manage the land*

The date on which section 17 of the **National Parks (Box-Ironbark and Other Parks) Act 2002** comes into operation.

*Provisions of Act that apply to the land*

Sections 3, 4(b) and (c), 6, 11, 14, 15, 16, 16A, 18, 19, 19B, 19F, 20, 21, 22, 23, 24, 26A, 27, 32D, 33, 35, 36, 37, 38, 39, 41, 43, 44, 45, 46, 47, 47A, 47B, 47C and 48.

*Application of Regulations to the land*

Park Regulations 1992.

**Note:** The description of this land is as follows—

All those pieces and parcels of land containing 7 500 hectares, more or less, situate in the Township of Fryerstown and the Parishes of Castlemaine, Chewton, Faraday, Fryers, Holcombe and Yandoit, County of Talbot, being the land delineated and coloured pink or coloured green or coloured yellow in plans lodged in the Central Plan Office of the Department of Natural Resources and Environment and numbered N.P. 109A, N.P. 109B and N.P. 109C to the extent that that land is at or above a depth of 100 metres below the land surface."

**16. Amendment of Schedule Six**

- (1) In Part 21 of Schedule Six to the **National Parks Act 1975**, after "Dannevig island" **insert** "Citadel island".
- (2) In Schedule Six to the **National Parks Act 1975**, after Part 21 **insert**—

**"PART 22—SOUTHERN WILSONS  
PROMONTORY AREA**

All those pieces and parcels of land,  
containing 144 square kilometres more or  
less, situate in the Wilsons Promontory  
National Park, being the land shown  
bordered red on a plan lodged in the  
Central Plan Office and numbered  
N.P.R.N.A. 21."

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**PART 3—AMENDMENTS TO THE CROWN LAND  
(RESERVES) ACT 1978**

**17. *Castlemaine Diggings National Heritage Park placed  
under control and management of Secretary***

(1) In section 18 of the **Crown Land (Reserves) Act 1978**, after sub-section (1) **insert—**

"(1A) The land described in section 31 is placed under the control and management of the Secretary for the purposes of section 19B of the **National Parks Act 1975**."

(2) In section 18(2) of the **Crown Land (Reserves) Act 1978**, after "(1)" **insert "or (1A)".**

**18. *Insertion of new Part 6***

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

**"PART 6—PROVISIONS RELATING TO  
PARTICULAR CROWN LAND RESERVES**

**31. *Castlemaine Diggings National Heritage  
Park***

(1) On the commencement of section 18 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, any reservation of the Castlemaine diggings land is revoked and the land—

(a) is deemed to be unalienated land of the Crown, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests; and

See:  
Act No.  
9212.  
Reprint No. 6  
as at  
1 December  
2001 and  
amending  
Act No.  
11/2002.  
LawToday:  
www.dms.  
dpc.vic.  
gov.au

- (b) any regulations made under section 13 of the **Crown Land (Reserves) Act 1978** are revoked in so far as they apply to the land; and
  - (c) is deemed to be permanently reserved under this Act for public purposes, being, in particular, the purposes of the protection of cultural and natural heritage.
- (2) In this section "**Castlemaine diggings land**" means all those pieces and parcels of land containing 7 500 hectares, more or less, situate in the Township of Fryerstown and the Parishes of Castlemaine, Chewton, Faraday, Fryers, Holcombe and Yandoit, County of Talbot, being the land delineated and coloured pink or coloured green or coloured yellow in plans lodged in the Central Plan Office of the Department of Natural Resources and Environment and numbered N.P. 109A, N.P. 109B and N.P. 109C, to the extent that that land is at or above a depth of 100 metres below the land surface.

**32. *Castlemaine Diggings National Heritage Park—Cessation of rights***

- (1) On the commencement of section 18 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**—
- (a) the lands delineated and coloured green on the plans lodged in the Central Plan Office of the Department of Natural Resources and Environment and numbered N.P. 109B and N.P. 109C cease to be reserved forest; and
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- (b) the lands delineated and coloured brown on the plan lodged in the Central Plan Office of the Department of Natural Resources and Environment and numbered N.P. 109B cease to be reserved forest.
- (2) On the commencement of section 18 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, the lands delineated and coloured yellow on the plans lodged in the Central Plan Office of the Department of Natural Resources and Environment and numbered N.P. 109A, N.P. 109B and N.P. 109C 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 other body and incidental to any express or implied grant or past dedication or supposed dedication or any past user or fiction of law cease and determine.

**33. *Deep Lead Nature Conservation Reserve (No. 1)—Revocation of part of reserve***

- (1) On the commencement of section 15 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, the reservation of the land described in the Fourth Schedule is revoked and the land—
    - (a) is deemed to be unalienated land of the Crown, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests; and
    - (b) any regulations made under section 13 of the **Crown Land (Reserves) Act 1978** are revoked in so far as they apply to the land.
-

- (2) Sub-section (1)(a) is not to be taken to affect any licence or authority issued under this or any other Act or any regulations.

**34. *Deep Lead Nature Conservation Reserve (No. 1)—Cessation of rights***

On the commencement of section 18 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, any part of the land described in Part 6 of Schedule Four of the **National Parks Act 1975** that is reserved forest ceases to be reserved forest.

**35. *Deep Lead Nature Conservation Reserve (No. 2)***

On the commencement of section 18 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, the land delineated and coloured pink or coloured green on the plan lodged in the Central Plan Office of the Department of Natural Resources and Environment and numbered LEGL./02-070, to the extent that that land is at or above a depth of 100 metres below the land surface, is deemed to be permanently reserved under this Act for public purposes, being, in particular, the purposes specified in paragraphs (l), (m), (n) and (o) of section 4.

**36. *Deep Lead Nature Conservation Reserve (No. 2)—Cessation of rights***

On the commencement of section 18 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, the land delineated and coloured green on the plan lodged in the Central Plan Office of the Department of Natural Resources and Environment and numbered LEGL./02-070 ceases to be reserved forest.

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**37. *Black Dog Creek Natural Features Reserve***

- (1) On the commencement of section 18 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, the land delineated and coloured pink on the plan lodged in the Central Plan Office of the Department of Natural Resources and Environment and numbered LEGL./02-071—
- (a) is deemed to be unalienated land of the Crown, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests; and
  - (b) any regulations made under section 13 of the **Crown Land (Reserves) Act 1978** are revoked in so far as they apply to the land; and
  - (c) is deemed to be permanently reserved under this Act for public purposes, being, in particular, the purposes of the protection of natural features.
- (2) Sub-section (1)(a) is not to be taken to affect any licence or authority issued under this or any other Act or any regulations.

**38. *Nathalia Natural Features Reserve***

- (1) On the commencement of section 18 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, the land delineated and coloured pink or coloured yellow excepting therefrom the roads shown as excluded on the plan lodged in the Central Plan Office of the Department of Natural Resources and Environment and numbered LEGL./02-072—

- (a) is deemed to be unalienated land of the Crown, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests; and
  - (b) any regulations made under section 13 of the **Crown Land (Reserves) Act 1978** are revoked in so far as they apply to the land; and
  - (c) is deemed to be permanently reserved under this Act for public purposes, being, in particular, the purposes of the protection of natural features.
- (2) Sub-section (1)(a) is not to be taken to affect any licence or authority issued under this or any other Act or any regulations.

**39. Numurkah Natural Features Reserve**

- (1) On the commencement of section 18 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, the land delineated and coloured pink excepting therefrom the roads shown as excluded on the plan lodged in the Central Plan Office of the Department of Natural Resources and Environment and numbered LEGL./02-073—
- (a) is deemed to be unalienated land of the Crown, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests; and
  - (b) any regulations made under section 13 of the **Crown Land (Reserves) Act 1978** are revoked in so far as they apply to the land; and
-

- (c) is deemed to be permanently reserved under this Act for public purposes, being, in particular, the purposes of the protection of natural features.
- (2) Sub-section (1)(a) is not to be taken to affect any licence or authority issued under this or any other Act or any regulations.

**40. *Tungamah Natural Features Reserve***

- (1) On the commencement of section 18 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, the land delineated and coloured pink or coloured yellow excepting therefrom the roads shown as excluded on the plan lodged in the Central Plan Office of the Department of Natural Resources and Environment and numbered LEGL./02-074—
  - (a) is deemed to be unalienated land of the Crown, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests; and
  - (b) any regulations made under section 13 of the **Crown Land (Reserves) Act 1978** are revoked in so far as they apply to the land; and
  - (c) is deemed to be permanently reserved under this Act for public purposes, being, in particular, the purposes of the protection of natural features.
- (2) Sub-section (1)(a) is not to be taken to affect any licence or authority issued under this or any other Act or any regulations.

**41. *Wattville Natural Features Reserve***

- (1) On the commencement of section 18 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, the land delineated and coloured pink excepting therefrom the roads shown as excluded on the plan lodged in the Central Plan Office of the Department of Natural Resources and Environment and numbered LEGL./02-075—
- (a) is deemed to be unalienated land of the Crown, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests; and
  - (b) any regulations made under section 13 of the **Crown Land (Reserves) Act 1978** are revoked in so far as they apply to the land; and
  - (c) is deemed to be permanently reserved under this Act for public purposes, being, in particular, the purposes of the protection of natural features.
- (2) Sub-section (1)(a) is not to be taken to affect any licence or authority issued under this or any other Act or any regulations.

**42. *Youarang Natural Features Reserve***

- (1) On the commencement of section 18 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, the land delineated and coloured pink excepting therefrom the roads shown as excluded on the plan lodged in the Central Plan Office of the Department of Natural Resources and Environment and numbered LEGL./02-076—
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- (a) is deemed to be unalienated land of the Crown, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests; and
  - (b) any regulations made under section 13 of the **Crown Land (Reserves) Act 1978** are revoked in so far as they apply to the land; and
  - (c) is deemed to be permanently reserved under this Act for public purposes, being, in particular, the purposes of the protection of natural features.
- (2) Sub-section (1)(a) is not to be taken to affect any licence or authority issued under this or any other Act or any regulations.

**43. *Eldorado Historic Reserve***

- (1) On the commencement of section 18 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, the land delineated and coloured pink or coloured yellow on the plan lodged in the Central Plan Office of the Department of Natural Resources and Environment and numbered LEGL./02-077—
- (a) is deemed to be unalienated land of the Crown, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests; and
  - (b) any regulations made under section 13 of the **Crown Land (Reserves) Act 1978** are revoked in so far as they apply to the land; and

- (c) is deemed to be permanently reserved under this Act for public purposes, being, in particular, the purposes of the protection of historic and cultural features.
- (2) Sub-section (1)(a) is not to be taken to affect any licence or authority issued under this or any other Act or any regulations.

**44. *Cessation of rights—Certain Crown land reserves***

On the commencement of section 18 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, the lands delineated and coloured yellow on the plans lodged in the Central Plan Office of the Department of Natural Resources and Environment and numbered LEGL./02–072, LEGL./02–074 and LEGL./02–077 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 other body and incidental to any express or implied grant or past dedication or supposed dedication or any past user or fiction of law cease and determine."

**19. *Further amendment of the Crown Land (Reserves) Act 1978***

The **Crown Land (Reserves) Act 1978** is amended as set out in the Schedule.

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PART 4—AMENDMENTS TO OTHER ACTS

20. *Mineral Resources Development Act 1990—Mining in Greater Bendigo National Park*

In section 6 of the **Mineral Resources Development Act 1990**, after sub-section (2) insert—

- "(3) Despite sub-section (1), that part of the park described in Part 41 of Schedule Two to the **National Parks Act 1975** that is shown by hatching or cross-hatching on the plans lodged in the Central Plan Office and numbered N.P. 105A and N.P. 105B is not exempt from being subject to a mining licence, to the extent of the entitlements set out in section 40(1D)(a) of that Act, or from being subject to an exploration licence."

21. *Insertion of new section 6A in the Mineral Resources Development Act 1990*

After section 6 of the **Mineral Resources Development Act 1990** insert—

'6A. *Extent of application of licences and authorities under this Act to Deep Lead Nature Conservation Reserve (No. 2)*

- (1) Despite section 14, a mining licence issued over the Deep Lead Nature Conservation Reserve (No. 2) does not entitle the holder to carry out mining on the land surface of the whole or any part of the Reserve.
- (2) Despite sub-section (1), a mining licence granted over any part of the Deep Lead Nature Conservation Reserve (No. 2) may authorise the holder to construct and operate minor mining infrastructure on the land surface of the Reserve, if the Minister

See:  
Act No.  
92/1990.  
Reprint No. 5  
as at  
23 August  
2001 and  
amending  
Act Nos  
71/2001,  
82/2001 and  
40/2002.  
LawToday:  
www.dms.  
dpc.vic.  
gov.au

administering section 4 of the **Crown Land (Reserves) Act 1978** has consented to any such construction or operation. Consent under this sub-section must not be unreasonably withheld.

- (3) A mining licence in respect of which a consent has been given under sub-section (2) is subject to any terms and conditions imposed by the Minister administering section 4 of the **Crown Land (Reserves) Act 1978** as to the nature of the infrastructure and as to the effect the infrastructure may have on the Reserve.
- (4) Deep Lead Nature Conservation Reserve (No. 2) is exempted from being subject to a miner's right or tourism fossicking authority under Part 5.
- (5) In this section "**Deep Lead Nature Conservation Reserve (No. 2)**" means the land described in section 35 of the **Crown Land (Reserves) Act 1978**.'

**22. Amendment of section 55 of the Mineral Resources Development Act 1990—Miner's right**

In section 55(1)(b) of the **Mineral Resources Development Act 1990**, after "6" insert ", 6A".

**23. Amendment of section 59 of the Mineral Resources Development Act 1990—Tourist fossicking authority**

In section 59(1)(b) of the **Mineral Resources Development Act 1990**, after "6" insert ", 6A".

**24. Mineral Resources Development Act 1990—Restricted Crown land**

- (1) In clause 1 of Schedule 3 to the **Mineral Resources Development Act 1990**, for "a recommendation made by the Land Conservation Council under section 5(1)(a) of the **Land**

**Conservation Act 1970** of which notice has been given by the Governor in Council under section 10(3) of that Act" **substitute**—

"—

- (aa) a recommendation of the Victorian Environmental Assessment Council, to the extent that that recommendation has been accepted by the Government under Part 3 of the **Victorian Environmental Assessment Council Act 2001**; or
- (ab) in any case where paragraph (aa) does not apply, a recommendation of the Land Conservation Council under section 5(1) of the **Land Conservation Act 1970** (as in force before its repeal) of which notice has been given by the Governor in Council under section 10(3) of that Act (as so in force)—".

(2) In clause 1 of Schedule 3 to the **Mineral Resources Development Act 1990**, for paragraph (k) **substitute**—

"(k) coastal reserves;

(l) national heritage parks;

(m) nature conservation reserves;

(n) historic and cultural features reserves."

(3) In Schedule 3 to the **Mineral Resources Development Act 1990**, after clause 4 **insert**—

"4A. Any land that is described in section 37, 38, 39, 40, 41, 42 or 43 of the **Crown Land (Reserves) Act 1978**."

See:  
 Act No.  
 9093.  
 Reprint No. 1  
 as at  
 24 April 1997  
 and  
 amending  
 Act No.  
 41/1997.  
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 www.dms.  
 dpc.vic.  
 gov.au

### **25. Reference Areas Act 1978—Definitions**

In section 2 of the **Reference Areas Act 1978**, for the definition of "public land" substitute—

' "**public land**" means—

- (a) any unalienated land of the Crown, including land temporarily or permanently reserved under the **Crown Land (Reserves) Act 1978**;
- (b) State forest, within the meaning of the **Forests Act 1958**;
- (c) park, within the meaning of the **National Parks Act 1975**;
- (d) land vested in any public authority, other than—
  - (i) a municipal council; or
  - (ii) an Authority under the **Water Act 1989**, to the extent that the land vested in the Authority is within a sewerage district listed in column 3 of Schedule 12 of that Act.'

### **26. Reference Areas Act 1978—Proclamation of reference areas**

At the end of section 3 of the **Reference Areas Act 1978** insert—

- "(2) Where the Minister, after having considered a recommendation of the Victorian Environmental Assessment Council under the **Victorian Environmental Assessment Council Act 2001**, is of the opinion that any area of public land should be preserved in its natural state as far as is possible, because the area is of ecological interest and significance, the Minister may recommend to

the Governor in Council that that area be proclaimed to be a reference area."

**27. Amendment to Forests Act 1958—Declaration of protected public lands**

In section 62(1A) of the **Forests Act 1958**, for paragraph (d) **substitute**—

"(d) the land is placed under the control and management of the Secretary pursuant to section 18 of the **Crown Land (Reserves) Act 1978** for the purposes of section 19B of the **National Parks Act 1975**, the land is deemed to be protected public land;"

See:  
Act No.  
6254.  
Reprint No. 7  
as at  
18 February  
1999 and  
amending  
Act Nos  
53/1999,  
66/2000,  
69/2000,  
74/2000,  
11/2001,  
44/2001 and  
84/2001.  
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Sch.

*National Parks (Box-Ironbark and Other Parks) Act 2002*

*Act No. 50/2002*

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**SCHEDULE**

**INSERTION OF FOURTH SCHEDULE IN THE CROWN  
LAND (RESERVES) ACT 1978**

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

**"FOURTH SCHEDULE**

Situation and area of land	Crown Allotments 214H, 214J and 214K Parish of Illawarra, 1120 hectares at a depth of more than 100 metres below the land surface
Instrument and date of reservation	Order in Council dated 24 November 1987
Description of land by reference to Government Gazette	Government Gazette dated 2 December 1987, page 3272
Purpose of reservation	For the preservation of species of native plants
Extent of revocation	All of the land

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**ENDNOTES**

† *Minister's second reading speech—*

*Legislative Assembly: 12 September 2002*

*Legislative Council: 18 October 2002*

The long title for the Bill for this Act was "to amend the **National Parks Act 1975** to create new parks and make further provision in relation to existing parks and other Crown land, to create new reserves under the **Crown Land (Reserves) Act 1978**, to otherwise amend the **Crown Land (Reserves) Act 1978**, the **Mineral Resources Development Act 1990**, the **Reference Areas Act 1978** and the **Forests Act 1958** and for other purposes."