

Reserves (Tjuntjuntjara Community) Bill 2018

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Schedule 1 — Great Victoria Desert Nature Reserve (for information purposes only)

Defined terms

Western Australia

LEGISLATIVE ASSEMBLY

Reserves (Tjuntjuntjara Community) Bill 2018

A Bill for

An Act —

- **to excise an area from Reserve 30490 so that a lease over the excised area can be granted by the Minister for the use and benefit of the Tjuntjuntjara Community; and**
- **for related purposes.**

The Parliament of Western Australia enacts as follows:

s. 1

1 **1. Short title**

2 This is the *Reserves (Tjuntjuntjara Community) Act 2018*.

3 **2. Commencement**

4 This Act comes into operation as follows —

- 5 (a) sections 1 to 4 and 6 — on the day on which this Act
6 receives the Royal Assent;
- 7 (b) the rest of the Act — on a day fixed by proclamation,
8 and different days may be fixed for different provisions.

9 **3. Terms used**

10 In this Act —

11 ***Deposited Plan***, followed by a number, means the deposited
12 plan of that number —

- 13 (a) lodged with the Western Australian Land Information
14 Authority established by the *Land Information Authority*
15 *Act 2006* section 5 (the ***Authority***); and
- 16 (b) available in electronic form on the Authority’s official
17 website;

18 ***Great Victoria Desert Nature Reserve*** means Reserve 30490,
19 being an area of about 2 495 777 hectares that is a class A
20 nature reserve (as defined in the *Land Administration Act 1997*
21 section 45(1));

22 ***Registrar of Titles*** means the Registrar of Titles referred to in
23 the *Transfer of Land Act 1893* section 7;

24 ***Tjuntjuntjara Community land*** means Lot 9 on Deposited
25 Plan 220992 comprising an area of 78 578 hectares;

26 ***Tjuntjuntjara Community lease*** means a lease granted by the
27 Minister under the *Land Administration Act 1997* section 83(1)
28 over the Tjuntjuntjara Community land;

29 ***unallocated Crown land*** has the meaning given in the *Land*
30 *Administration Act 1997* section 3(1).

1 **4. Great Victoria Desert Nature Reserve boundary amended**

2 (1) The Great Victoria Desert Nature Reserve is amended by
3 correcting the description of its eastern boundary (as published
4 in the *Gazette* on 21 August 1970 at p. 2620-1) by deleting the
5 words “situate 2 chains 46 links west and” and “in the State of
6 South Australia”.

7 (2) The amendment does not affect the area of the reserve.

8 **5. Great Victoria Desert Nature Reserve — Tjuntjuntjara**
9 **Community land excised**

10 (1) The Great Victoria Desert Nature Reserve is amended by
11 excising the Tjuntjuntjara Community land.

12 (2) The Great Victoria Desert Nature Reserve, as amended by
13 subsection (1), comprises an area of 2 417 201 hectares being
14 the land in Lot 300 on Deposited Plan 403087 version 2.

15 (3) The boundaries of the Great Victoria Desert Nature Reserve as
16 amended by subsection (1) are shown, for information purposes,
17 on the plan in Schedule 1 but subsection (2) prevails if there is
18 any inconsistency.

19 **6. Registrar of Titles to take certain measures**

20 (1) The Registrar of Titles must take any necessary measures to
21 register the amendments effected by sections 4 and 5.

22 (2) For the purposes of subsection (1), sections 4 and 5 may be
23 treated as if they were orders under the *Land Administration*
24 *Act 1997*.

25 **7. Residential Tenancies Act 1987 not applicable to**
26 **Tjuntjuntjara Community lease**

27 A Tjuntjuntjara Community lease is not a residential tenancy
28 agreement for the purposes of the *Residential Tenancies*
29 *Act 1987* section 3.

- 1 **8. Proposed easement over Great Victoria Desert Nature**
2 **Reserve**
- 3 (1) In this section —
- 4 ***access easement*** means the easement shown on Deposited Plan
5 414191 version 2 providing access over that part of the Great
6 Victoria Desert Nature Reserve shown on that plan and
7 benefitting the holder of a leasehold interest granted by a
8 Tjuntjuntjara Community lease.
- 9 (2) The *Land Administration Act 1997* section 44 does not apply to
10 a proposal by the Minister to grant the access easement.
- 11 (3) For the purposes of the *Transfer of Land Act 1893*
12 section 81S(2)(b), the Registrar of Titles may register the access
13 easement as if the *Land Administration Act 1997* section 44 had
14 been complied with.
- 15 **9. Mining on Tjuntjuntjara Community land**
- 16 (1) In this section —
- 17 ***mining*** has the meaning given in the *Mining Act 1978*
18 section 8(1);
- 19 ***mining tenement*** has the meaning given in the *Mining Act 1978*
20 section 8(1);
- 21 ***Minister for Mines*** means the Minister to whom the
22 administration of the *Mining Act 1978* is committed by the
23 Governor.
- 24 (2) This section is in addition to the provisions of the *Mining*
25 *Act 1978*.
- 26 (3) It is a condition of each mining tenement granted in respect of
27 the Tjuntjuntjara Community land that the holder of the
28 tenement must not carry out mining on or under that land unless
29 it is carried out in accordance with the consent of the Minister
30 for Mines given under subsection (4)(b).

- 1 (4) The Minister for Mines may, if asked to consent to mining for
2 the purposes of subsection (3) —
3 (a) refuse to give consent; or
4 (b) give written consent subject to the terms and conditions
5 (if any) that the Minister for Mines specifies in the
6 consent.
- 7 (5) Before giving consent under subsection (4)(b), whether
8 conditionally or unconditionally, the Minister for Mines must
9 consult with, and obtain the recommendations of, the
10 following —
11 (a) the Minister to whom the administration of the
12 *Conservation and Land Management Act 1984* is
13 committed by the Governor;
14 (b) any person holding a Tjuntjuntjara Community lease or
15 in whom the control and management of the land is
16 vested or placed;
17 (c) if the Tjuntjuntjara Community land is unallocated
18 Crown land, the Minister to whom the administration of
19 the *Land Administration Act 1997* is committed by the
20 Governor.
- 21 (6) A mining tenement referred to in subsection (3) is liable to be
22 forfeited under the *Mining Act 1978* section 96, 96A or 97 (as
23 the case requires) if the holder of the tenement contravenes the
24 condition imposed by subsection (3).
- 25 (7) For the purposes of subsection (6), in the *Mining Act 1978*
26 section 96(2) “the requirements of this Act” includes a reference
27 to the condition imposed by subsection (3).

s. 10

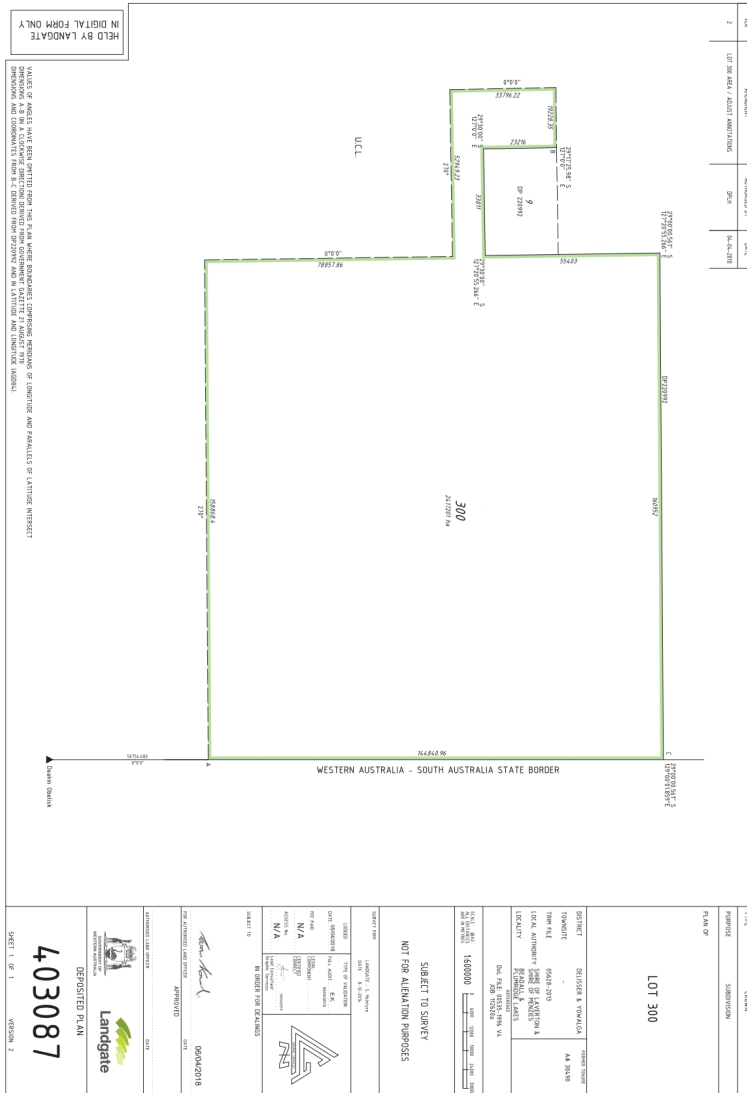
- 1 **10. Petroleum and geothermal energy operations on**
2 **Tjuntjuntjara Community land**
- 3 (1) In this section —
- 4 **geothermal energy operation** has the meaning given in the
5 *Petroleum and Geothermal Energy Resources Act 1967*
6 section 5(1);
- 7 **geothermal title** has the meaning given in the *Petroleum and*
8 *Geothermal Energy Resources Act 1967* section 69A(1);
- 9 **Minister for Petroleum** means the Minister to whom the
10 administration of the *Petroleum and Geothermal Energy*
11 *Resources Act 1967* is committed by the Governor;
- 12 **petroleum operation** has the meaning given in the *Petroleum*
13 *and Geothermal Energy Resources Act 1967* section 5(1);
- 14 **petroleum title** has the meaning given in the *Petroleum and*
15 *Geothermal Energy Resources Act 1967* section 69A(1);
- 16 **registered holder** has the meaning given in the *Petroleum and*
17 *Geothermal Energy Resources Act 1967* section 5(1).
- 18 (2) This section —
- 19 (a) is in addition to the provisions of the *Petroleum and*
20 *Geothermal Energy Resources Act 1967*; and
- 21 (b) applies despite the *Petroleum and Geothermal Energy*
22 *Resources Act 1967* section 15(1).
- 23 (3) It is a condition of each petroleum title or geothermal title
24 granted in respect of the Tjuntjuntjara Community land that the
25 registered holder of the title must not carry out a petroleum
26 operation or geothermal energy operation on or under that land
27 unless it is carried out in accordance with the consent of the
28 Minister for Petroleum given under subsection (4)(b).
- 29 (4) The Minister for Petroleum may, if asked to consent to a
30 petroleum operation or geothermal energy operation for the
31 purposes of subsection (3) —
- 32 (a) refuse to give consent; or

- 1 (b) give written consent subject to the terms and conditions
2 (if any) that the Minister for Petroleum specifies in the
3 consent.
- 4 (5) Before giving consent under subsection (4)(b), whether
5 conditionally or unconditionally, the Minister for Petroleum
6 must consult with, and obtain the recommendations of, the
7 following —
- 8 (a) the Minister to whom the administration of the
9 *Conservation and Land Management Act 1984* is
10 committed by the Governor;
- 11 (b) any person holding a Tjuntjuntjara Community lease or
12 in whom the control and management of the land is
13 vested or placed;
- 14 (c) if the Tjuntjuntjara Community land is unallocated
15 Crown land, the Minister to whom the administration of
16 the *Land Administration Act 1997* is committed by the
17 Governor.
- 18 (6) A petroleum title or geothermal title referred to in subsection (3)
19 is liable to be cancelled under the *Petroleum and Geothermal*
20 *Energy Resources Act 1967* section 99, 105 or 106 (as the case
21 requires) if the registered holder of the title contravenes the
22 condition imposed by subsection (3).
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Schedule 1 — Great Victoria Desert Nature Reserve
(for information purposes only)

[s. 5(3)]



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Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
access easement	8(1)
Authority.....	3
Deposited Plan	3
geothermal energy operation.....	10(1)
geothermal title	10(1)
Great Victoria Desert Nature Reserve	3
mining	9(1)
mining tenement	9(1)
Minister for Mines	9(1)
Minister for Petroleum.....	10(1)
petroleum operation	10(1)
petroleum title	10(1)
registered holder	10(1)
Registrar of Titles	3
Tjuntjuntjara Community land.....	3
Tjuntjuntjara Community lease.....	3
unallocated Crown land	3