

Rottnest Island Authority Amendment Bill 2007

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Western Australia

LEGISLATIVE ASSEMBLY

Rottnest Island Authority Amendment Bill 2007

A Bill for

An Act to amend the *Rottnest Island Authority Act 1987*.

The Parliament of Western Australia enacts as follows:

s. 1

1. Short title

This is the *Rottnest Island Authority Amendment Act 2007*.

2. Commencement

This Act comes into operation as follows:

- 5 (a) sections 1 and 2 — on the day on which this Act
 receives the Royal Assent;
- (b) any provision other than sections 1 and 2 — on a day
 fixed by proclamation (different days may be fixed for
 different provisions).

10 **3. The Act amended**

The amendments in this Act are to the *Rottnest Island Authority Act 1987**.

[* *Reprinted as at 4 January 2000.*

15 *For subsequent amendments see Western Australian
Legislation Information Tables for 2006, Table 1, and Act
No. 77 of 2006.]*

4. Section 3 amended

Section 3 is amended by inserting in the appropriate
alphabetical positions —

20 “

“Rottnest Island Wadjemup Conservation Reserve”
 has the meaning given to that term in section 4(3);

“settlement area” has the meaning given to that term
 in section 4(3);

25 ”.

5. Section 4 replaced

Section 4 is repealed and the following section is inserted instead —

“

5

4. Rottnest Island Reserve

(1) The Rottnest Island Reserve is class A Reserve No. 16713 reserved under the *Land Administration Act 1997* for the purposes of this Act.

(2) The Rottnest Island Reserve consists of —

10

- (a) the settlement area; and
- (b) the Rottnest Island Wadjemup Conservation Reserve; and
- (c) the remaining part of the class A Reserve referred to in subsection (1) (the “marine reserve”).

15

(3) In subsection (2) —

“Rottnest Island Wadjemup Conservation Reserve”
means —

(a) that reserve —

20

- (i) as shown on Deposited Plan 52582;
or
- (ii) on a diagram or plan notified under subsection (4)(a); or

25

(b) a part of the Island declared under subsection (4)(b) to be the Rottnest Island Wadjemup Conservation Reserve;

“settlement area” means —

30

- (a) the part of the Island lying on the northern side of a line drawn generally from Geordie Bay to Kingstown Barracks and south, as shown —
 - (i) on Deposited Plan 52582; or

s. 5

- (ii) on a diagram or plan notified under subsection (4)(a);
- or
- (b) a part of the Island declared under subsection (4)(b) to be the settlement area.
- (4) The Minister may by notice published in the *Gazette* —
- (a) give notice of a diagram or plan to have effect, in substitution for Deposited Plan 52582 as referred to in paragraph (a) of the definitions of “Rottnest Island Wadjemup Conservation Reserve” and “settlement area”, respectively, in subsection (3); or
- (b) declare —
- (i) a part of the Island to be the Rottnest Island Wadjemup Conservation Reserve in substitution for the part referred to in paragraph (a) of the definition of “Rottnest Island Wadjemup Conservation Reserve” in subsection (3); and
- (ii) a part of the Island to be the settlement area in substitution for the part referred to in paragraph (a) of the definition of “settlement area” in subsection (3).
- (5) A declaration made under subsection (4)(b) shall be made by reference to a diagram or plan held by the Western Australian Land Information Authority established under the *Land Information Authority Act 2006* section 5.
- ”.

6. Section 4A inserted

After section 4 the following section is inserted in Part I —

“

4A. Plans and diagrams

5 The land plans and diagrams referred to in this Act are
held by the Western Australian Land Information
Authority established under the *Land Information
Authority Act 2006* section 5.

”.

10 **7. Section 6 amended**

(1) Section 6(1)(b) is deleted and the following paragraph is
inserted instead —

“

15 (b) 6 other members appointed by the Governor on
the recommendation of the Minister.

”.

(2) Section 6(2) is repealed.

8. Section 8 amended

20 Section 8 is amended by deleting “Public Service Board.” and
inserting instead —

“ Minister for Public Sector Management. ”.

9. Section 14 amended

Section 14(3) and (4) are repealed.

10. Section 15 amended

25 Section 15(1) is amended by deleting “, without limiting
section 18(3),”.

s. 11

11. Section 18 repealed

Section 18 is repealed.

12. Section 19 amended

Section 19(1) and (2) are repealed and the following subsection is inserted instead —

“

(1) The Authority shall —

(a) review the management plan referred to in section 17(1) not later than 5 years after the Minister has under section 23 approved that plan or amendments to it or its continuation in operation without amendment; and

(b) if it considers that circumstances so require, prepare amendments to that plan or a revised management plan for the Island.

”.

13. Section 20 amended

After section 20(1) the following subsection is inserted —

“

(1a) A management plan shall include a statement as to how it is proposed to fund the proposed policies and operations.

”.

14. Sections 20A and 20B inserted

After section 20 the following sections are inserted —

“

20A. Consultation with Conservation Commission

(1) In this section —

“**Conservation Commission**” means the Conservation Commission of Western Australia established by

the *Conservation and Land Management Act 1984*
section 18.

- 5 (2) In performing its functions under section 19, the
 Authority shall seek agreement with the Conservation
 Commission in relation to conservation management
 issues within the Rottnest Island Wadjemup
 Conservation Reserve.
- 10 (3) If the Authority and the Conservation Commission are
 unable to reach agreement as to how to deal with an
 issue referred to in subsection (2), the Authority shall
 refer the issue in dispute to the Minister.
- 15 (4) If an issue is referred to the Minister under
 subsection (3), the Minister shall, after consulting with,
 and receiving recommendations from, the Minister
 administering the *Conservation and Land Management*
 Act 1984, decide how the issue is to be dealt with.
- 20 (5) The Authority shall refer a proposed management plan
 or proposed amendments, or a proposal to continue the
 existing management plan in force without amendment,
 to the Conservation Commission.
- 25 (6) If the Conservation Commission considers that the
 Authority should vary a proposal referred to it under
 subsection (5) in relation to a conservation
 management issue within the Rottnest Island
 Wadjemup Conservation Reserve, the Commission
 may within 60 days after receipt of the proposal,
 submit a request to the Authority to make the variation.
- (7) A request under subsection (6) shall be made in a form
 approved by the Authority.

20B. Consultation with Marine Parks and Reserves Authority

(1) In this section —

5 **“Marine Parks and Reserves Authority”** means the Marine Parks and Reserves Authority established by the *Conservation and Land Management Act 1984* section 26A;

“marine reserve” means that part of the Island referred to in section 4(2)(c).

10 (2) In performing its functions under section 19, the Authority shall seek agreement with the Marine Parks and Reserves Authority in relation to conservation management issues within the marine reserve.

15 (3) If the Authority and the Marine Parks and Reserves Authority are unable to reach agreement as to how to deal with an issue referred to in subsection (2), the Authority shall refer the issue in dispute to the Minister.

20 (4) If an issue is referred to the Minister under subsection (3), the Minister shall, after consulting with, and receiving recommendations from, the Minister administering the *Conservation and Land Management Act 1984*, decide how the issue is to be dealt with.

25 (5) The Authority shall refer a proposed management plan or proposed amendments, or a proposal to continue the existing management plan in force without amendment, to the Marine Parks and Reserves Authority.

30 (6) If the Marine Parks and Reserves Authority considers that the Authority should vary a proposal referred to it under subsection (5) in relation to a conservation management issue within the marine reserve, the Marine Parks and Reserves Authority may within

60 days after receipt of the proposal, submit a request to the Authority to make the variation.

- (7) A request under subsection (6) shall be made in a form approved by the Authority.

5

”.

15. Section 22 amended

Section 22 is amended as follows:

- (a) by deleting “Written submissions” and inserting instead —

10

“ Submissions ”;

- (b) by inserting after “may be made” —

“ in a form approved by the Authority ”.

16. Section 23 amended

- (1) Section 23(1)(a) is amended by inserting after “under section” —

15

“ 20A, 20B or ”.

- (2) Section 23(2) is amended by inserting after “under section” —

“ 20A, 20B or ”.

17. Section 30 amended

Section 30(2) is amended by deleting “\$1 000.” and inserting instead —

20

“ a fine of \$10 000. ”.

18. Section 31 amended

Section 31(4) is amended by deleting “\$500.” and inserting instead —

25

“ a fine of \$1 000. ”.

s. 19

19. Section 32 amended

Section 32 is amended by deleting “\$1 000.” and inserting instead —

“ a fine of \$10 000. ”.

5 **20. Heading to Part VI replaced**

The heading to Part VI is deleted and the following Part heading is inserted instead —

“

Part VI — Accountability and financial provisions

10

”.

21. Part VI Division 1 and heading to Part VI Division 2 inserted

After the heading to Part VI the following is inserted —

15

“

Division 1 — Accountability

32A. Duty to observe policy instruments

20

The Authority shall perform its functions in accordance with its strategic development plan and its statement of corporate intent as existing from time to time.

32B. Strategic development plan and statement of corporate intent

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(1) The Authority shall, at the prescribed times, prepare and submit to the Minister —

- (a) a draft strategic development plan for the Authority; and
- (b) a statement of corporate intent for the Authority.

- 5 (2) The regulations may make provision for the following —
- (a) the manner and form in which the Authority is to prepare, submit, revise or modify a strategic development plan or statement of corporate intent;
- (b) the period a strategic development plan or statement of corporate intent is to cover;
- 10 (c) the matters to be set out in a strategic development plan or statement of corporate intent;
- (d) the functions of the Authority, the Minister and the Treasurer in relation to the development, approval or modification of a strategic development plan or statement of corporate intent;
- 15 (e) the operation of a strategic development plan or statement of corporate intent.
- 20 (3) Regulations referred to in subsection (2) are not to be made except with the Treasurer’s concurrence.

Division 2 — Financial provisions

”.

22. Section 48 amended

Section 48(2) is amended as follows:

- 25 (a) by inserting “and” after paragraph (a);
- (b) in paragraph (c) by deleting “charges.” and inserting instead —
- “ charges; and ”;

s. 23

(c) after paragraph (c) by inserting —

“

(d) provide that a contravention of a regulation is an offence and prescribe, for an offence against the regulations, a penalty not exceeding a fine of \$10 000.

”.

23. Schedule 1 amended

After Schedule 1 clause 7 the following clause is inserted —

“

7A. Holding meetings remotely

The presence of a member at a meeting of the Authority need not be by attendance in person but may be by that member and each other member at the meeting being simultaneously in contact by telephone or other means of instantaneous communication.

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