

ACTS AMENDMENT (RESERVES AND RESERVE BOARDS) BILL 2003

Second Reading

Resumed from 9 September.

HON GEORGE CASH (North Metropolitan) [10.57 am]: This Bill, to amend the Land Administration Act 1997 and the Parks and Reserves Act 1895, consists of three parts. Part 1 deals with preliminaries, such as the short title and commencement, part 2 with the Land Administration Act 1997, and part 3 with the Parks and Reserves Act 1895. The Land Administration Act 1997 provides for the amendment, management and cancellation of reserves, but applies only to reserves created under that Act. Equally, the Parks and Reserves Act 1895 applies only to land reserved under the Land Administration Act or previous land Acts, such as the Land Act 1933 and the Land Act 1898. It came to the notice of the former Department of Land Administration that from time to time reserves are discovered that are found not to have been created under the Land Administration Act or preceding Land Acts. I understand, from discussions with an officer from the department, that this is usually due to a deficiency in the wording of the reserves Act that created the particular reserve without also deeming such a reserve to have been created under the Land Act in force at the time. The Crown Solicitor's Office has confirmed that the only way a reserve not subject to the Land Administration Act or previous Land Acts can be amended is by a further reserves Act being introduced into the Parliament to deal with that particular anomalous reserve. The department is therefore seeking a general provision to be inserted into the Land Administration Act to bring under the provisions of that Act any reserve not currently the subject of that Act or some other specific Act. Clearly, this will prevent the need for separate reserves Bills to be introduced into the Parliament to deal with these anomalous situations. The Bill before the House ensures that the Parliament's intention is met, and that the Land Administration Act applies to all crown land and reserves that are not the subject of a specific Act, including these anomalous reserves.

It is intended to insert a new section 51A, to resolve the issues I have just raised. The new section is entitled "Certain lands to be regarded as having been reserved under s. 41". Section 41 of the Land Administration Act 1997, which is headed "Minister may reserve Crown land" and is in part 4 of the Act, which is headed "Reserves", states -

Subject to section 45(6), the Minister may by order reserve Crown land to the Crown for one or more purposes in the public interest.

Therefore, it is qualified by section 45(6), which deals with land in the management area of the Swan River Trust within the meaning of the Swan River Trust Act 1988. I do not think there is any need to go any further into that area.

Those are the proposed amendments to the Land Administration Act. Part 3 of the Bill seeks to amend the Parks and Reserves Act 1895. Members will be aware that the Parks and Reserves Act makes special arrangements for the management of reserves. That Act in fact preceded the first Land Act in 1898, and it continues to operate in conjunction with the Land Administration Act. The Parks and Reserves Act provides for boards of management to be appointed in respect of reserves, and it deals with the powers and duties of such boards. The Bill before the House proposes that instead of the creation of individual boards, a management order be able to be issued under the Land Administration Act to enable the function of the boards to be carried out directly by the Department of Sport and Recreation. I understand that the Crown Solicitor's Office has advised that there is currently no provision in the Parks and Reserves Act for the revocation of boards created under the Parks and Reserves Act.

Having regard to the foregoing, part 3 of the Bill provides for the ability to dissolve boards created under the Parks and Reserves Act, and the vesting of the property and associated rights of such boards and subsequent vesting in a nominated minister or other body. The vesting minister or body will be empowered to sell or otherwise deal in board property; credit any money of such boards to a public account; and continue any agreement entered into by the boards, or legal proceedings commenced by, or against, such boards, by the vesting minister or body that is replacing the board. Part 3 also provides that the vesting minister or body replacing the board shall provide a final report of the proceedings of the former board, and that report shall be tabled in the Parliament.

I am loath to say that this is a relatively simple Bill, because that often attracts some criticism. However, I can say that the Bill deals in large part with mechanical issues that need to be resolved, and that will provide greater efficiency by alleviating the need to introduce specific reserves Bills when anomalous parcels of land not the subject of a specific Act are brought to the attention of the department. The Opposition supports the Bill.

HON JIM SCOTT (South Metropolitan) [11.03 am]: The Greens will be supporting the Acts Amendment (Reserves and Reserve Boards) Bill. As far as we can see, the purpose of the Bill is simply to correct a number of anomalies that have arisen over time when reserves that have been created under reserves Bills have not been

linked into the Land Administration Act or preceding Land Acts, thereby causing extra work for the Parliament by having to put more reserves Bills through the Parliament than would otherwise be necessary. We also support the provision in part 3 of the Bill to dissolve the Recreation Camps and Reserve Board and transfer its functions to the Department of Sport and Recreation. That is also appropriate, and we have no problem with that.

HON KEN TRAVERS (North Metropolitan - Parliamentary Secretary) [11.04 am]: I thank members for their support of the Bill and commend the Bill to the House.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate, and passed.