

Indigenous Conservation Title Bill 2007

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Defined Terms

Western Australia

LEGISLATIVE ASSEMBLY

Indigenous Conservation Title Bill 2007

A Bill for

An Act —

- **to cancel Reserve No. 34606 (Gibson Desert Nature Reserve) and Reserve No. 34607 (Rudall River National Park); and**
- **to provide for the transfer of an estate in fee simple in each of the former reserves; and**
- **to provide for each of the former reserves, other than particular areas, to be managed as a national park or nature reserve and for those particular areas to be used as Aboriginal community living areas; and**
- **to make a consequential amendment to the *Land Administration Act 1997*; and**
- **for related purposes.**

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary matters

1. Short title

This is the *Indigenous Conservation Title Act 2007*.

2. Commencement

5 This Act comes into operation as follows:

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

10 3. Terms used in this Act

In this Act, unless the contrary intention appears —

“**CALM Act**” means the *Conservation and Land Management Act 1984*;

15 “**CALM Act CEO**” means the holder of the office of chief executive officer of the Public Sector agency principally assisting the Minister to whom administration of the CALM Act is committed in its administration;

“**community area**” has the meaning given in section 4;

20 “**conservation area**” means ICT land that is not a community area;

“**Gibson Desert area**” means the land that is or was reserved under Reserve No. 34606 referred to in section 9;

“**ICT**” has the meaning given in section 12;

25 “**ICT holder**”, for ICT land, means the PBC whose name appears on the Register referred to in the TLA section 48 as the proprietor of the land;

“**ICT land**” means land in which ICT is held;

30 “**joint management agreement**”, for jointly managed land, means the agreement entered into under section 27(1) in respect of the land;

“**joint management body**”, for jointly managed land, has the meaning given in section 27(2)(a);

“**jointly managed land**” means ICT land the subject of an agreement entered into under section 27(1);

5 “**LAA**” means the *Land Administration Act 1997*;

“**Lands Minister**” has the meaning “Minister” is given in the LAA section 3(1);

“**Mining Act**” means the *Mining Act 1978*;

“**NTA**” means the *Native Title Act 1993* (Commonwealth);

10 “**PBC**” means a prescribed body corporate as defined in the *Native Title (Prescribed Bodies Corporate) Regulations 1999* (Commonwealth) regulation 3(1);

“**Petroleum Act**” means the *Petroleum Act 1967*;

“**reserve area**” means —

- 15 (a) the Gibson Desert area; or
(b) the Rudall River area;

“**Rudall River area**” means the land that is or was reserved under Reserve No. 34607 referred to in section 10;

“**TLA**” means the *Transfer of Land Act 1893*;

20 “**traditional owners**” —

- (a) of a reserve area, means the persons entitled under the traditional laws and customs of Aboriginal peoples to the use and occupation of the area; or
(b) of ICT land, means the traditional owners for whose
25 benefit ICT in the land is held under section 12(2)(a).

4. Community areas

- (1) A community area is ICT land that is agreed from time to time between the State and the ICT holder for the land to be used as an Aboriginal community living area.

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(2) Until it is agreed differently under subsection (1), the following are community areas —

- 5 (a) the ICT land within a 5-kilometre radius of latitude 22.044189 south and longitude 123.123262 east (the community of Punmu);
- (b) the ICT land within a 5-kilometre radius of latitude 22.818253 south and longitude 122.596675 east (the community of Parnngurr).

5. Act binds Crown

10 This Act binds the State and, so far as the legislative power of the State permits, the Crown in all its other capacities.

6. Inconsistency with other written laws

If there is an inconsistency between this Act and another written law, this Act prevails to the extent of the inconsistency.

15 **7. Intent**

This Act is intended to be part of a package of measures —

- 20 (a) for the settlement of the State's liability under the NTA to pay compensation for the act that extinguished native title in each of the reserve areas; and
- (b) that will meet the Government's commitment to transfer an estate in fee simple in each of the reserve areas to the traditional owners of the area; and
- 25 (c) for the lease of the whole or part of each of the reserve areas to the State for use as a national park or nature reserve under the CALM Act; and
- (d) for the establishment of a regime for the joint management of the land the subject of the lease by the CALM Act CEO and the traditional owners of the reserve area with the objectives of —
 - 30 (i) preserving and enhancing the Aboriginal culture and heritage values of that land; and

5

- (ii) preserving and enhancing the natural and environmental values of that land; and
- (iii) if that land is to be used as a national park under the CALM Act, fulfilling so much of the demand for recreation by members of the public as is consistent with the objectives referred to in subparagraphs (i) and (ii).

Part 2 — Cancellation of reserves

8. Terms used in this Part

In this Part —

5 “**appointed day**”, for a reserve area, means the day after the day on which the Federal Court of Australia makes an order under the NTA section 87(2) in respect of the compensation application for the area;

10 “**compensation application**”, for a reserve area, means the application under the NTA section 50(2) for a determination of the compensation payable for the act that extinguished native title in the area.

9. Reserve No. 34606 (Gibson Desert Nature Reserve)

15 On the appointed day for the Gibson Desert area, Reserve No. 34606, a class A reserve under the LAA for the purpose of “Conservation of Flora and Fauna” and named Gibson Desert Nature Reserve 34606, is cancelled.

10. Reserve No. 34607 (Rudall River National Park)

20 On the appointed day for the Rudall River area, Reserve No. 34607, a class A reserve under the LAA for the purpose of “National Park” and named Rudall River National Park, is cancelled.

Part 3 — ICT: Incidents of title

Division 1 — Preliminary matters

11. Terms used in this Part

In this Part —

- 5 **“CALM Act Minister”** means the Minister to whom
administration of the CALM Act is committed;
- “mining tenement”** has the meaning given in the Mining Act
section 8(1);
- 10 **“petroleum interest”** means an access authority, drilling
reservation, lease, licence, permit or special prospecting
authority as respectively defined in the Petroleum Act
section 5(1).

Division 2 — Incidents of title

12. Estate in fee simple

- 15 (1) Indigenous conservation title (**“ICT”**) is an estate in fee simple
in land and, except to the extent this Act provides differently,
the law of the State applies accordingly.
- (2) The following restrictions apply in relation to the incidents of
title to the estate —
- 20 (a) the estate can only be held by a PBC in trust for the
benefit of the traditional owners of the reserve area in
respect of which the estate is transferred under
section 22(1);
- 25 (b) the estate is transferred under section 22(1) free of all
estates and interests in the reserve area other than those
referred to in paragraphs (c) and (d);
- (c) the estate is transferred under section 22(1) subject to
any mining tenements and petroleum interests that —
- 30 (i) were in force over any part of the reserve area
immediately before the date of the transfer; or

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Part 3 ICT: Incidents of title

Division 2 Incidents of title

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- (ii) are granted over any part of that area on or after that date on applications made but not determined immediately before that date;
- 5 (d) the estate is transferred under section 22(1) subject to any leases to Telstra or a Telstra body as respectively defined in the *Telstra Corporation Act 1991* (Commonwealth) section 3 that were in force over any part of the reserve area immediately before the date of the transfer;
- 10 (e) the estate cannot be sold and can only be transferred to another PBC in trust for the benefit of the traditional owners referred to in paragraph (a);
- (f) the estate cannot be mortgaged, charged or otherwise encumbered as security for the payment of money or the performance of an obligation;
- 15 (g) the estate can be leased and sub-leased and the resulting leasehold or sub-leasehold interest can be mortgaged, charged or otherwise encumbered as security for the payment of money or the performance of an obligation;
- 20 (h) an easement can be granted in, on, over, through or under —
- (i) a community area; or
- (ii) a conservation area, but only in accordance with section 15;
- 25 (i) the estate is held subject to sections 13 to 20;
- (j) the estate can only be surrendered in accordance with section 16(1)(d).
- (3) On and after the date of the transfer —
- 30 (a) the PBC holding the estate is the lessor in respect of each of the leases to which the estate is subject under subsection (2)(d); and
- (b) all the rights and liabilities of the lessor arising from or in connection with each of those leases (whether before

or after the transfer) are rights and liabilities of the PBC and are enforceable by or against the PBC.

(4) An act done in contravention of subsection (2) is void from the beginning.

5 (5) To avoid doubt, the TLA applies in relation to ICT.

13. Use of conservation areas

(1) The use of a conservation area is subject to the conditions that —

10 (a) the natural, heritage, cultural, environmental, wildlife and plant life value of the conservation area will be protected, preserved, conserved, maintained, enhanced, restored or kept in its natural or existing state; and

(b) the use of the conservation area must be in accordance with —

15 (i) the lease referred to in section 23(2)(a) for the area; and

(ii) the joint management agreement for the area.

(2) The LAA section 35 applies in relation to the use of a conservation area in a way that is inconsistent with a condition referred to in subsection (1) as if —

20 (a) the ICT held in the area were freehold that had been transferred under the LAA section 75(1) subject to that condition; and

25 (b) the ICT holder for the area were the holder of that freehold; and

(c) the inconsistent use were a breach of that condition.

(3) For the purpose of subsection (2), the use of a conservation area under a mining tenement or petroleum interest is not inconsistent with a condition referred to in subsection (1).

14. Use of community areas

- (1) The use of a community area is subject to the condition that the area may be used only for —
- (a) the purpose of an Aboriginal community living area; and
 - 5 (b) activities (including commercial activities) that —
 - (i) are consistent with, or ancillary and beneficial to, that purpose; and
 - (ii) will not affect a conservation area in a way that is inconsistent with a condition referred to in
 - 10 section 13(1).
- (2) The LAA section 35 applies in relation to the use of a community area in a way that is inconsistent with the condition referred to in subsection (1) as if —
- 15 (a) the ICT held in the area were freehold that had been transferred under the LAA section 75(1) subject to that condition; and
 - (b) the ICT holder for the area were the holder of that freehold; and
 - (c) the inconsistent use were a breach of that condition.

20 **15. Grant of easements over conservation areas**

- (1) The ICT holder for a conservation area may grant an easement in, on, over, through or under the area if —
- 25 (a) the proposal to grant the easement (the “**proposal**”) has the consent of the CALM Act Minister; and
 - (b) subsection (2) has been complied with; and
 - (c) the proposal may be implemented under the LAA section 43(1) as applied by subsection (3).
- (2) For the purpose of subsection (1)(b), the Lands Minister must —
- 30 (a) cause the proposal to be laid before each House of Parliament; and

(b) at least 30 days before acting under paragraph (a), advertise the intention to act in a newspaper circulating throughout the State.

5 (3) For the purpose of subsection (1)(c), the LAA section 43 applies in relation to the proposal as if —

(a) a reference in that section to a proposal included a reference to a proposal laid before each House of Parliament under subsection (2)(a); and

10 (b) a reference in that section to the implementation of a proposal by order included a reference to the implementation of a proposal by way of grant by the ICT holder for the area.

16. Addition to, amendment of or excision from ICT land

15 (1) The Lands Minister may, by order made in accordance with this section —

(a) add Crown land to any ICT land; or

(b) amend the area of any ICT land for the purpose of correcting one or more unsurveyed boundaries of the area in such a manner that the area, if reduced at all, is reduced by not more than 5%; or

20 (c) excise the lesser of 5% or one hectare of the area of any ICT land for the purpose of public utility services as defined in the LAA section 3(1); or

(d) excise all or part of any ICT land at the request of the ICT holder for the land (a **“surrender”**); or

25 (e) otherwise excise part of any ICT land, including for the purpose of creating a road.

(2) The Lands Minister may make an order under subsection (1) if —

30 (a) the proposal to make the order (the **“proposal”**) has the consent of —

(i) the CALM Act Minister; and

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Division 2 Incidents of title

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- (ii) the ICT holder for the ICT land;
and
- (b) if it is an order under subsection (1)(a), (b) or (c) —
subsection (4) has been complied with; and
- 5 (c) if it is an order under subsection (1)(d) or (e) —
- (i) subsection (5) has been complied with; and
- (ii) the proposal may be implemented under the
LAA section 43(1) as applied by subsection (6).
- (3) In the case of a surrender, no further consent of the ICT holder
10 is required under subsection (2)(a)(ii).
- (4) For the purpose of subsection (2)(b), the Lands Minister must,
at least 30 days before acting under subsection (1)(a), (b) or (c),
advertise the intention to act in a newspaper circulating
throughout the State.
- 15 (5) For the purpose of subsection (2)(c)(i), the Lands Minister
must —
- (a) cause the proposal to be laid before each House of
Parliament; and
- 20 (b) at least 30 days before acting under paragraph (a),
advertise the intention to act in a newspaper circulating
throughout the State.
- (6) For the purpose of subsection (2)(c)(ii), the LAA section 43
applies in relation to the proposal as if a reference in that section
to a proposal included a reference to a proposal laid before each
25 House of Parliament under subsection (5)(a).
- (7) If an order is made under subsection (1)(a), the Lands Minister
is taken to have transferred ICT in the Crown land to the ICT
holder for the ICT land to which the Crown land is ordered to be
added.
- 30 (8) If an order is made under subsection (1)(c), (d) or (e), the
excised land becomes Crown land.

- (9) If an order is made under subsection (1)(e) —
- (a) the excised land must be treated as land taken under the LAA Part 9; and
 - (b) the LAA Part 10 applies as if a reference in that Part to a taking order were a reference to the order made under subsection (1)(e).
- (10) The LAA section 13 applies in relation to an order made under this section.
- (11) An order made under this section has effect for all purposes as if it were an order made by the Lands Minister under the LAA.

17. Application of Mining Act to conservation areas

- (1) Except to the extent this section provides differently, the Mining Act applies in relation to —
- (a) a conservation area that includes the whole or any part of the Gibson Desert area as if the area were land referred to in section 24(1)(b)(ii) of that Act; and
 - (b) a conservation area that includes the whole or any part of the Rudall River area as if the area were land referred to in section 24(1)(b)(i) of that Act.
- (2) For the purposes of the Mining Act section 24, the responsible Minister for a conservation area is the CALM Act Minister.
- (3) The responsible Minister cannot concur in a decision under the Mining Act section 24(3)(a) to consent to mining being carried out on a conservation area unless the responsible Minister has consulted with —
- (a) the ICT holder for the area; and
 - (b) the joint management body for the area's jointly managed land.
- (4) In addition to any other terms and conditions that may be imposed under the Mining Act section 24(3)(a), a consent to mining being carried out on a conservation area is to be subject

to a condition that compensation to be assessed in accordance with that Act must be paid to the ICT holder for the area for any loss or damage caused by mining operations on the area as if —

- 5 (a) the area were private land as defined in section 8(1) of that Act; and
- (b) the ICT holder were the owner of that private land.
- (5) The ICT holder for a conservation area is the owner of the area for the purposes of the Mining Act sections 21, 113 and 115.
- 10 (6) Except to the extent subsections (4) and (5) provide, none of the following persons is an owner or occupier of a conservation area for the purposes of the Mining Act —
- (a) the ICT holder for the area;
- (b) a lessee or sub-lessee of the area;
- (c) the CALM Act Minister.
- 15 (7) To avoid doubt, a conservation area is not Crown land or private land for the purposes of the Mining Act.

18. Application of Mining Act to community areas

The Mining Act applies in relation to a community area as if —

- 20 (a) the area were private land as defined in section 8(1) of that Act; and
- (b) the ICT holder for the area were the owner and occupier of that private land.

19. Application of Petroleum Act to conservation areas

- 25 (1) Except to the extent this section provides differently, the Petroleum Act applies in relation to a conservation area as if the area were Crown land as defined in section 5(1) of that Act.
- (2) For the purposes of the Petroleum Act section 15A —
- (a) a conservation area is land referred to in section 15A(1)(b) of that Act; and

- (b) the responsible Minister for a conservation area is the CALM Act Minister.
- (3) The responsible Minister cannot make any recommendations on the conditions, if any, that should be included under the Petroleum Act section 15A(2) on a petroleum interest in respect of a conservation area unless the responsible Minister has consulted with —
- 5
- (a) the ICT holder for the area; and
- (b) the joint management body for the area's jointly managed land.
- 10
- (4) The Petroleum Act sections 17, 19 and 20 apply in relation to any part of a conservation area comprised in a petroleum interest that is a drilling reservation, lease, licence or permit as if —
- 15
- (a) the area were private land as defined in section 5(1) of that Act; and
- (b) the ICT holder for the area were the owner and occupier of that private land.
- (5) The ICT holder for a conservation area is —
- 20
- (a) the owner of the area for the purposes of the Petroleum Act sections 12 and 18; and
- (b) the occupier of the area for the purposes of section 11(2) of that Act.
- (6) Except to the extent subsections (4) and (5) provide, none of the following persons is the owner or occupier of a conservation area for the purposes of the Petroleum Act —
- 25
- (a) the ICT holder for the area;
- (b) a lessee or sub-lessee of the area;
- (c) the CALM Act Minister.

20. Application of Petroleum Act to community areas

The Petroleum Act applies in relation to a community area as if —

- 5
- (a) the area were private land as defined in section 5(1) of that Act; and
 - (b) the ICT holder for the area were the owner and occupier of that private land.

Part 4 — ICT: Transfer, registration, dealings

21. Terms used in this Part

In this Part —

- 5 “**deal with**”, under the TLA, means to register, record or otherwise deal with under that Act;
- “**ICT matter**” means a transaction, instrument, application or other matter in relation to ICT;
- “**register**” means to register under the TLA;
- 10 “**Registrar**” means the holder of the office of Registrar of Titles referred to in the TLA section 7;
- “**TLA matter**” means a transaction, instrument, application or other matter of a kind that may be dealt with under the TLA.

22. Transfer and registration of ICT

- 15 (1) As soon as practicable after the cancellation of a reserve under section 9 or 10, the Lands Minister must transfer ICT in the reserve area referred to in that section to a PBC.
- (2) The Registrar must take the steps necessary to register the cancellation and transfer.

20 23. Pre-conditions for transfer

- (1) In this section —
- 25 “**proposed conservation area**”, of a reserve area, means so much of the reserve area as will be a conservation area immediately after ICT in the reserve area is transferred under section 22(1);
- “**State**”, without limiting the meaning of that term, includes the body corporate under the CALM Act section 38.

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- (2) The Lands Minister must not transfer ICT in a reserve area under section 22(1) unless —
- (a) the terms of a lease to the State of the reserved area's proposed conservation area have been agreed between the parties and are consistent with subsection (3); and
 - (b) the terms of a joint management agreement for the proposed conservation area have been agreed between the parties.
- (3) The terms of the lease must be in accordance with the following —
- (a) the term of the lease must be for at least 99 years;
 - (b) the lease purposes must include the use of the land the subject of the lease as a national park or nature reserve under the CALM Act;
 - (c) the terms of the lease must be consistent with the terms of the joint management agreement referred to in subsection (2)(b).
- (4) The lease may be concurrent with a lease referred to in section 12(2)(d).

24. Dealings with title

- (1) An ICT matter that is not in accordance with this Act is void from the beginning.
- (2) If an ICT matter is a TLA matter, the Registrar must not deal with the ICT matter unless it is in accordance with this Act.

25. Memorial

- (1) As soon as practicable after ICT has been transferred under section 22(1), the Lands Minister must lodge with the Registrar in a form approved by the Registrar a memorial in relation to the ICT.

- (2) The memorial must be to the following effect —
- (a) the land that is the subject of the memorial is land in which ICT is held;
 - (b) ICT is an estate in fee simple transferred under section 22(1);
 - (c) ICT is held subject to this Act;
 - (d) an ICT matter must be in accordance with this Act;
 - (e) an ICT matter that is not in accordance with this Act is void from the beginning.
- (3) The memorial may include a description of any community areas within the land that is the subject of the memorial.
- (4) The Registrar must, on payment of the prescribed fee (if any), register the memorial.
- (5) The Lands Minister may lodge with the Registrar in a form approved by the Registrar a variation or withdrawal of the memorial.
- (6) The Registrar must, on payment of the prescribed fee (if any), register the variation or withdrawal.

Part 5 — Management of conservation areas

Division 1 — Preliminary matters

26. Terms used in this Part

In this Part —

5 **“CALM Regulations”** means the *Conservation and Land Management Regulations 2002*;

“Conservation Commission” has the meaning given in the CALM Act section 3;

10 **“management plan”**, for jointly managed land, means the management plan as defined in the CALM Act section 3 for the land.

Division 2 — Joint management agreements

27. Agreements for joint management of conservation areas

15 (1) The CALM Act CEO may enter into an agreement with the ICT holder for a conservation area for the joint management of the whole or part of the area by the CEO and the traditional owners of the area as a national park or nature reserve under the CALM Act.

20 (2) In addition to any other matters provided for in the agreement, it must provide for the following —

25 (a) the establishment of a body through which the land the subject of the agreement is to be jointly managed by the CALM Act CEO and the traditional owners of the conservation area (the **“joint management body”** for the land);

(b) the membership of the joint management body for the land, which must include —

(i) one or more persons who represent the interests of the CALM Act CEO; and

30. Management plans

- (1) Despite the CALM Act section 54(3), a proposed management plan for jointly managed land must be prepared —
- 5 (a) on behalf of the Conservation Commission by the joint management body for the land in accordance with the joint management agreement for the land; and
- (b) within such period after the joint management agreement for the land is entered into as is reasonably practicable having regard to the resources of the joint management body available for the purpose.
- 10 (2) In addition to the objectives referred to in the CALM Act section 56(1)(c) or (d), a management plan for jointly managed land to which that paragraph applies must make provision for —
- 15 (a) the traditional owners of the land to carry out cultural and customary activities on the land using traditional and contemporary methods, including —
- (i) hunting and gathering of fauna and flora;
- (ii) collecting flowing and subterranean water for personal, domestic and non-commercial communal use;
- 20 (iii) collecting and using natural resources other than minerals as defined in the Mining Act section 8(1) or petroleum as defined in the Petroleum Act section 5(1) (for example, collecting and using ochre, stones, soil, wood and resin);
- 25 (iv) maintaining and protecting areas of cultural significance;
- (v) trading fauna, flora and other natural resources;
- 30 (vi) ceremonial activities;
- (vii) traditional forms of land management (for example, setting fires);

(viii) camping and otherwise living on and travelling through the land;

and

(b) infrastructure for the use of the traditional owners of the land and members of the general public to be provided on the land as required.

(3) The CALM Act section 58(1) applies in relation to a proposed management plan for jointly managed land as if a reference in that subsection to the CALM Act CEO were a reference to the joint management body for the land.

31. Activities of traditional owners

(1) A person does not commit an offence against the CALM Act section 103(1) or 104(1) if —

(a) the person is a traditional owner of jointly managed land; and

(b) the act or omission that would otherwise constitute the offence is done or made in relation to the land.

(2) A person does not commit an offence against the CALM Act section 106(b) or (c) or the CALM Regulations if —

(a) the person is a traditional owner of jointly managed land; and

(b) the act or omission that would otherwise constitute the offence is authorised by, and is done or made in accordance with, the management plan for the land.

32. Joint management agreements may provide differently

(1) Subject to subsection (2), the joint management agreement for jointly managed land may provide differently from the CALM Act, the CALM Regulations or both in relation to the land.

(2) The agreement must not provide differently from section 28(2), 29, 30 or 31.

- 5 (3) Without limiting the matters in relation to which the agreement may provide differently, the agreement may provide that the CALM Act CEO cannot exercise a power under the CALM Act or the CALM Regulations in relation to the land without the consent of the joint management body for the land.

Division 4 — Application of *Wildlife Conservation Act 1950*

33. Activities of traditional owners

- 10 (1) A person does not commit an offence against the *Wildlife Conservation Act 1950* if —
- 10 (a) the person is a traditional owner of jointly managed land; and
 - (b) the act or omission that would otherwise constitute the offence —
 - 15 (i) is done or made for a purpose specified in subsection (2); and
 - (ii) is authorised by, and is done or made in accordance with, the management plan for the land.
- 20 (2) For the purpose of subsection (1)(b)(i), the act or omission may be done or made for any of the following purposes —
- (a) preparing or consuming food;
 - (b) medicinal purposes;
 - (c) carrying out ceremonial activities;
 - (d) artistic and other cultural purposes;
 - 25 (e) a purpose incidental to a purpose referred to in paragraphs (a) to (d).

Part 6 — Miscellaneous matters

34. Delegation by Lands Minister

(1) In this section —

5 **“Lands Department”** means the Public Sector agency principally assisting the Lands Minister in the administration of the LAA;

“public service officer” has the meaning given in the *Public Sector Management Act 1994* section 3(1).

10 (2) The Lands Minister may delegate to any of the following persons any power or duty of the Minister under another provision of this Act —

 (a) a public service officer of the Lands Department named in the instrument of delegation;

15 (b) a person from time to time holding an office in the Lands Department specified in the instrument of delegation;

 (c) a prescribed person, or a person belonging to a prescribed class of persons, specified in the instrument of delegation.

20 (3) The delegation must be by instrument published in the *Gazette*.

 (4) A person to whom a power or duty is delegated under this section cannot delegate that power or duty.

25 (5) A person exercising or performing a power or duty that has been delegated to the person under this section is taken to do so in accordance with the terms of the delegation unless the contrary intention is shown.

 (6) This section does not limit the ability of the Lands Minister to perform a function through an officer or agent.

35. Regulations

The Governor may make regulations prescribing matters —

- (a) required or permitted to be prescribed by this Act; or
- (b) necessary or convenient to be prescribed for giving effect to this Act.

5

Part 7 — Consequential amendment to *Land Administration Act 1997*

36. The Act amended

The amendment in this Part is to the LAA.

5 **37. Section 10 amended**

Section 10(1) is amended by inserting before paragraph (b) —

“

(aa) exercise powers and perform duties in relation
to land in accordance with the *Indigenous
Conservation Title Act 2007*; and

10

”.

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Defined Terms

Defined Terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

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CALM Act	3
CALM Act CEO	3
CALM Act Minister	11
CALM Regulations	26
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compensation application	8
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ICT	3, 12(1)
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ICT land	3
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NTA	3
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register	21
Registrar	21
reserve area	3
Rudall River area	3
State	23(1)
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