

CONSERVATION AND LAND MANAGEMENT AMENDMENT BILL 2002

EXPLANATORY MEMORANDUM

This Bill will amend the management planning provisions in Division 1 of Part V of the *Conservation and Land Management Act 1984* (the principal Act). The proposed amendments will change or remove some of the amendments made to those provisions by the *Conservation and Land Management Amendment Act 2000*.

The proposed amendments will remove requirements that the Conservation Commission of Western Australia must act jointly with the Forest Products Commission, the Water and Rivers Commission and relevant water utilities under all relevant management planning provisions in Division 1 of Part V of the principal Act, and provide instead that the Conservation Commission must prepare relevant management plans in consultation with those agencies.

The roles provided to the Minister for Forest Products and the Minister for Water Resources in the approval process for proposed management plans will be repealed under the proposed amendments.

Clause 1: Short title

This clause provides the citation of this legislation as the *Conservation and Land Management Amendment Act 2002*.

Clause 2: Commencement

This clause provides for the proposed Act to come into effect on a day that it receives assent from the Governor.

Clause 3: The Act amended

This clause identifies that the *Conservation and Land Management Act 1984* will be amended.

Clause 4: Section 53 amended

This clause amends section 53 of the principal Act which provides definitions and application provisions for the management planning carried out under Division 1 of Part V of the principal Act. Section 53(1) will be amended and sections 53(2) and (3) will be repealed.

Subclause 4(a)

Subclause 4(a) provides for the removal of the subsection designation “(1)” from section 53 of the principal Act as a consequence of the proposed repeal of subsections (2) and (3) of that section.

Subclause 4(b)

Subclause 4(b) will repeal section 53(2) of the principal Act.

Section 53(2) presently provides that the Conservation Commission of Western Australia, and the Department of Conservation and Land Management as agent of the Commission, must act jointly with the Forest Products Commission under all of the management planning provisions in Division 1 of Part V of the principal Act that apply to the preparation of management plans for State forests and timber reserves.

These changes and the proposed amendments to section 54 in clause 5 will establish the Conservation Commission as the body responsible for the preparation of proposed management plans, through the agency of the Department of Conservation and Land Management, and the presentation of those proposed plans to the Minister for the Minister's approval.

Subclause 4(c)

Subclause 4(c) will repeal section 53(3) of the principal Act.

Section 53(3) presently provides that the Conservation Commission of Western Australia, and the Department of Conservation and Land Management as agent of the Commission, must act jointly with the Water and Rivers Commission and relevant water utilities under all of the management planning provisions in Division 1 of Part V of the principal Act that apply to the preparation of management plans for land subject to the Act that is or includes a public water catchment area.

These changes and the proposed amendments to section 54 in clause 5 will establish the Conservation Commission as the body responsible for the preparation of proposed management plans, through the agency of the Department of Conservation and Land Management, and the presentation of those proposed plans to the Minister for the Minister's approval.

Clause 5: Section 54 amended

This clause amends section 54 of the principal Act which assigns responsibility for the preparation of management plans.

Subclause 5(1)

Subclause 5(1) will amend section 54(3)(a)(ii) of the principal Act.

Section 54(3)(a)(ii) presently provides that proposed management plans for State forests and timber reserves must be prepared by the Conservation Commission of Western Australia, and the Department of Conservation and Land Management as agent of the Commission, acting jointly with the Forest Products Commission.

The proposed amendment will change the acting jointly requirement to provide instead that the Conservation Commission, and the Department as agent of the Conservation Commission, must prepare such management plans in consultation with the Forest Products Commission. These changes will establish the Conservation Commission as the body responsible for the preparation of proposed management plans, through the agency of the Department of Conservation and Land Management.

Subclause 5(2)

Subclause 5(2) will amend section 54(3)(a)(iii) of the principal Act.

Section 54(3)(a)(iii) presently provides that proposed management plans for land subject to the Act that is or includes a public water catchment area must be prepared by the Conservation Commission of Western Australia, and the Department of Conservation and Land Management as agent of the Commission, acting jointly with the Water and Rivers Commission and relevant water utilities.

The proposed amendment will change the acting jointly requirement to provide instead that the Conservation Commission, and the Department as agent of the Conservation Commission, must prepare such proposed management plans in consultation with the Water and Rivers Commission and relevant water utilities. These changes will establish the Conservation Commission as the body responsible for the preparation of proposed management plans, through the agency of the Department of Conservation and Land Management.

Clause 6: Section 60 amended

This clause amends section 60 of the principal Act which provides the processes applicable to the approval of proposed management plans by the Minister. Section 60(2) will be amended and sections 60(2c) and (2d) will be repealed.

Subclause 6(1)

Subclause 6(1) will amend section 60(2) of the principal Act as a consequence of the repeal of sections 60(2c) and (2d) by the proposed amendments provided in subclauses 6(2) and 6(3) respectively.

Subclause 6(2)

Subclause 6(2) will repeal section 60(2c) of the principal Act.

Section 60(2c) presently provides that the Minister's discretion under section 60(2) to approve a proposed management plan for a State forest or a timber reserve cannot be given unless the Minister and the Minister for Forest Products agree that the plan gives effect to any submissions made on the plan by the Minister for Forest Products. Alternatively, the Governor may make a decision about such submissions.

The proposed amendment will remove these formal constraints on the Minister's discretion to approve a proposed management plan for a State forest or a timber reserve.

Subclause 6(3)

Subclause 6(3) will repeal section 60(2d) of the principal Act.

Section 60(2d) presently provides that the Minister's discretion to under section 60(2) to approve a proposed management plan for land subject to the principal Act that is or includes a public water catchment area cannot be given unless the Minister and the Minister for Water Resources agree that the plan gives effect to any submissions made on the plan by the Minister for Water Resources. Alternatively, the Governor may make a decision about such submissions.

The proposed amendment will remove these formal constraints on the Minister's discretion to approve a proposed management plan for land subject to the principal Act that is or includes a public water catchment area.