

# CONSERVATION AND LAND MANAGEMENT AMENDMENT BILL 2024

## EXPLANATORY MEMORANDUM

### Overview of Bill

The purpose of the Conservation and Land Management Amendment Bill 2024 is to amend the *Conservation and Land Management Act 1984* (CALM Act) to support the Government's native forest policy (announced on 8 September 2021) to protect Western Australia's south-west forests and cease large-scale commercial native timber harvesting. The amendments will also amend Schedule 1 to replace male-specific gender references with gender-neutral references and to enable the Conservation and Parks Commission to convene remote meetings.

Outlined below is an explanation of the contents of the Bill on a clause by clause basis (Clause Notes).

### CLAUSE NOTES

#### Clause 1 – Short title

Clause 1 provides that the title of the Amendment Act is the *Conservation and Land Management Amendment Act 2024*.

#### Clause 2 – Commencement

Clause 2 sets out the commencement provisions.

Clause 2(a) provides that sections 1 and 2 of the Amendment Act come into operation on the day on which it receives Royal Assent.

Clause 2(b) provides that the remainder of the Amendment Act will come into operation on the day after it receives Royal Assent.

#### Clause 3 – Act amended

Clause 3 provides that the Amendment Act will amend the CALM Act.

#### Clause 4 – Section 55 amended

Clause 4 amends section 55 of the Act. Subsection 55(1a) provides the reserve purposes that may be specified in a management plan for an indigenous State forest or timber reserve.

Clause 4(1) repeals paragraph (c), which provides for 'timber production on a sustained yield basis', to be repealed from section 55(1a). This ensures that this is no longer a purpose for which indigenous State forest and timber reserves may be reserved.

Clause 4(2) inserts two new paragraphs in section 55(1a) – Paragraph 1B and Paragraph 1C.

New paragraph (1B) provides that the purpose of timber production cannot be prescribed under section 55(1a)(e). This restricts the regulation-making power in subsection (1a)(e) so that timber production may not be prescribed in the *Conservation and Land Management Regulations 2002*.

The relevant regulation is regulation 81. Regulation 81 was amended on 12 August 2022 by the *Conservation and Land Management Amendment Regulations (No. 2) 2022* to insert a new reserve purpose. The new purpose in paragraph (e) provides for:

‘the removal of salvaged forest products from the reserve, if the opportunity for the salvage arises –

- (i) from an activity carried out for a conservation purpose; or
- (ii) from, or in anticipation of, clearing for mining operations or for the purpose described in paragraph (d).’

New paragraph (1C) clarifies that in new subsection (1B), **timber production** does not include removal of salvaged forest products arising from, or in anticipation of, prescribed activities or purposes.

This enables the removal of salvaged forest products to continue as a purpose for which State forest and timber reserves are reserved under regulation 81(e).

#### **Clause 5 – Schedule 1 clause 1 amended**

Clause 5 amends Schedule 1, which provides for the constitution and proceedings of the Conservation and Parks Commission (the Commission). Clause 1 provides for the term of office that may be held by a member.

Clauses 5(1) and 5(2) amend subclauses (1) and (2) of clause 1 to replace male-specific gender references (i.e. ‘he’ and ‘his’) with non-gender specific references (i.e. ‘the member’s’) where these occur.

#### **Clause 6 – Schedule 1 clause 2 amended**

Clause 6 amends Schedule 1, clause 2, which provides the circumstances in which an office may be vacated by a member of the Commission.

Clause 6 amends clause 2 to replace male-specific gender references (i.e. ‘he’ and ‘his’) with non-gender specific references (i.e. ‘the member’s’) where these occur.

#### **Clause 7 – Schedule 1 clause 3 amended**

Clause 7 amends Schedule 1, clause 3, which enables the Minister to appoint a person to act as a chairperson of the Commission in the circumstances that the chairperson and deputy chairperson are sick, absent or otherwise indisposed.

Clause 7 amends subclauses (1), (2) and (4) of clause 3 to replace male-specific gender references (i.e. ‘he’ and ‘his’) with non-gender specific references (i.e. ‘the member’s’ or ‘the person’s’) where these occur.

**Clause 8 – Schedule 1 clause 4 amended**

Clause (8) amends Schedule 1 clause 4, which provides for the meetings of the Commission.

Clause (8) inserts a new provision after subclause (4) of clause 4. The new provision (4A) provides:

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

This enables the Commission (a body established to advise the Minister for Environment on the conservation estate and its management) to convene meetings using instantaneous electronic communication (i.e. remote meetings) rather than in person.

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