

Authorised Version No. 086
Conservation, Forests and Lands Act 1987

No. 41 of 1987

Authorised Version incorporating amendments as at
19 October 2016

TABLE OF PROVISIONS

<i>Section</i>	<i>Page</i>
Part 1—Preliminary	1
1 Purposes	1
2 Commencement	1
3 Definitions	2
4 Object	8
4A Transport Integration Act 2010	9
5 Crown to be bound	9
Part 2—Administration	10
Division 1—Secretary	10
6 Secretary to be body corporate	10
7 Secretary to be subject to control	11
8 Department Head to have same powers as before incorporation	12
10 Functions of Secretary	12
11 Delegation of powers and functions	13
Division 2—Advisory bodies	16
12 Committees	16
Part 3—Property	19
13 Power to acquire land	19
14 The Land Acquisition and Compensation Act 1986 is to apply	19
15 Power to dispose of land	19
16 Power to accept donations	20
17 Easements	20
Part 4—Finance	21
Division 1—Agreements and accounting	21
18 Power of the Secretary to enter into contracts	21
19 Limitation upon the Secretary's power to make contracts	21

<i>Section</i>	<i>Page</i>
20 Expenditure by the Secretary	22
21 Entry of payments	22
22 Conservation, Forests and Lands Stores Suspense Account	22
23 Conservation, Forests and Lands Plant and Machinery Fund	23
24 Budgets	25
25 Payments into Consolidated Fund in respect of roads etc.	25
Division 2—Charges and fees	26
27 Right to levy charges and fees	26
28 Charges and fees	26
29 Liability for charge or fee	27
30 Charge or fee may be recovered as debt	27
Part 5—Codes of Practice	28
31 Power to make Codes of Practice	28
32 Variation and revocation of Code of Practice	28
33 Advertisement of draft Code of Practice, variation or revocation	29
34 Consideration of submissions	29
35 Tabling and disallowance	29
36 Incorporated material to be tabled	30
37 How is a Code of Practice made?	30
38 Availability of Code of Practice	31
39 Compliance with Codes of Practice	31
40 Incorporation of Codes of Practice by regulation	31
Part 6—Conservation workers	33
56 Definitions	33
57 Secretary may give certificates	35
58 Compensation for personal injuries and property damage	35
59 Jurisdiction of County Court	36
60 Authority to represent the Crown	36
61 Authority entitled to costs and expenses	37
62 Rules	37
63 Recovery from third parties	37
64 Compensation and expenses to be paid from Consolidated Fund	38
65 Offence	38
Part 7—Public authorities	39
66 When a plan of works must be submitted	39
67 Compliance with Codes of Practice and comments	40
Part 8—Land management co-operative agreements	42
68 Powers of the Secretary	42
69 Power to enter into agreements	42
70 Content of agreements	43

<i>Section</i>	<i>Page</i>	
71	Form and operation of agreement	45
72	Agreements binding on successors	47
73	Wildlife sanctuaries	49
74	Public access to certain land	50
75	Rate relief	50
76	Variation or termination of agreements	50
77	Remedies for breach of agreement	52
78	Injunctions	52
79	Amount due to Secretary is a charge on land	52
80	Information to be given to the public	55
81	Offences by third parties	56
82	Regulations	57
Part 8A—Traditional Owner Land Management Boards		59
Division 1—Definitions		59
82A	Definitions	59
Division 2—Constitution of Traditional Owner Land Management Boards		61
82AB	Role of Minister and Secretary where recognition and settlement agreement exists	61
82B	Power of Minister to establish Traditional Owner Land Management Board	61
82BA	Revocation of appointment of committee of management	62
82C	Status of Traditional Owner Land Management Boards	63
82D	Application of Public Administration Act 2004	64
82E	Objective of Traditional Owner Land Management Boards	64
82F	Variation of role etc. of Traditional Owner Land Management Board	64
82FA	Requirements for variation where recognition and settlement agreement applies	65
82G	Abolition of Traditional Owner Land Management Board	65
82GA	Requirements for abolition where recognition and settlement agreement applies	66
Division 3—Functions, powers and duties of Traditional Owner Land Management Boards		67
82H	Functions of Traditional Owner Land Management Boards	67
82I	Powers and duties of Traditional Owner Land Management Boards	67
82J	Functions, powers and duties to be carried out in accordance with relevant Act	68
Division 4—Description, membership and procedure		68
82K	Title	68
82L	Membership	69

<i>Section</i>	<i>Page</i>
82M Appointment and dismissal of members	69
82N Cessation of office of members	70
82O Procedures	71
Division 5—Agreements as to Traditional Owner Land Management Boards	71
82P Agreements as to the establishment etc. of Traditional Owner Land Management Boards	71
Division 5A—Joint management plans	72
82PA Joint preparation of management plans	72
82PB Requirements of specific Acts as to management to apply	72
82PC Other requirements for management plans	74
82PD Completion of preparation of management plan	74
82PE Notice of completed management plan	74
82PF Making and consideration of submissions	75
82PG Agreement to management plan	75
82PH Approval of plan by Minister	76
82PI Effect of plan	77
82PJ Variation of joint management plan	77
Division 6—General	78
82Q Delegations to or in relation to Traditional Owner Land Management Boards	78
82R Describing land in determinations	79
Part 9—Enforcement and general provisions	80
83 Appointment of authorised officers	80
84 Appointment of persons to perform certain functions of authorised officers	82
85 Police officers to assist authorised officers	83
86 Immunity of officers	83
87 Statement of authorised officer is evidence	83
88 Certificate of Secretary is evidence	83
88A Certificates of identification	85
89 Injunctions	87
90 Offences by bodies corporate and partnerships etc.	87
91 Infringement notice	88
94 Parking infringements	89
95 False or misleading statements	90
95A Hindering or obstructing forest operations	90
96 Proceedings for offences	91
97 Compensation	92
98 Action for damages	94
99 Regulations	96
100 Governor in Council may amend Schedule 3	97

<i>Section</i>	<i>Page</i>
Part 10—Transitional provisions	99
107 References	99
108 Staff	100
111 Accounts	102
114 Continuation of section 94A of the Forests Act 1958	104
117 Bodies not affected by change in constitution	104
119 References to the Secretary	105
120 Saving and transitional provisions—appointments and delegations	105
121 Saving of appointments of authorised officers—Sustainable Forests (Timber) Act 2004	105
122 Codes of Practice—Sustainable Forests (Timber) Act 2004	106
123 Transitional provision—Traditional Owner Settlement Act 2010	106
Schedules	107
Schedule 1	107
Schedule 1A	108
Schedule 2—Provisions relating to membership and procedure of committees and Councils	109
Schedule 3—Works of public authorities	111
Schedule 4—Transitional provisions applying on abolition of Traditional Owner Land Management Boards	112
=====	
Endnotes	113
1 General information	113
2 Table of Amendments	115
3 Amendments Not in Operation	125
4 Explanatory details	126

Authorised Version No. 086
Conservation, Forests and Lands Act 1987
No. 41 of 1987

Authorised Version incorporating amendments as at
19 October 2016

The Parliament of Victoria enacts as follows:

Part 1—Preliminary

1 Purposes

The purposes of this Act are—

- (a) to create a body corporate called the Director-General of Conservation, Forests and Lands, to define its powers and to transfer to it the functions of the Forests Commission, the Soil Conservation Authority and the Vermin and Noxious Weeds Destruction Board, and to abolish those bodies;
- (b) to provide a framework for a land management system and to make necessary administrative, financial and enforcement provisions;
- (c) to establish a system of land management co-operative agreements;

to make consequential amendments to various Acts.

2 Commencement

This Act comes into operation on a day or days to be proclaimed.

3 Definitions

(1) In this Act—

agreement means a land management
co-operative agreement under Part 8;

authorised officer means an authorised officer—

- (a) appointed under Part 9; or
- (b) appointed by the Game Management Authority under Part 3 of the **Game Management Authority Act 2014**;

authority includes consent, approval,
endorsement, licence, permit or registration;

Central Plan Office means the Central Plan
Office maintained under section 4 of the
Survey Co-ordination Act 1958;

S. 3(1) def. of
*authorised
officer*
substituted by
No. 24/2014
s. 77(2).

S. 3(1) def. of
*Central Plan
Office*
inserted by
No. 82/2009
s. 37,
amended by
No. 24/2014
s. 77(3)(a),
substituted by
No. 51/2016
s. 3(1)(a).

S. 3(1) def. of
*chief
administrator*
substituted by
No. 48/1993
s. 10(1)(a),
amended by
No. 46/1998
s. 7(Sch. 1),
repealed by
No. 76/1998
s. 3(1)(a)(i).

* * * * *

Code of Practice means a Code of Practice under
Part 5 as amended and in force for the time
being;

Crown land means land which is, or is deemed to
be, unalienated land of the Crown and
includes—

S. 3(1) def. of
Crown land
amended by
No. 76/1998
s. 3(1)(a)(ii).

Conservation, Forests and Lands Act 1987
No. 41 of 1987
Part 1—Preliminary

- (a) land of the Crown reserved permanently or temporarily or set aside by or under an Act; and
- (b) land of the Crown occupied by a person under a lease, licence or other right; and
- (c) land of the Crown managed by a public authority other than the Department or the Secretary; and
- (d) land of the Crown which is, or is part of, a national park or a park within the meaning of the **National Parks Act 1975**;

Department means the Department of Environment, Land, Water and Planning;

S. 3(1) def. of *Department* substituted by Nos 48/1993 s. 10(1)(b), 46/1998 s. 7(Sch. 1), amended by Nos 56/2003 s. 5(1)(a), 24/2014 s. 77(3)(b), 51/2016 s. 3(1)(b).

Department Head means the Department Head (within the meaning of the **Public Administration Act 2004**) of the Department;

S. 3(1) def. of *Department Head* inserted by No. 76/1998 s. 3(1)(a)(iii), amended by No. 108/2004 s. 117(1) (Sch. 3 item 39.1).

* * * * *

S. 3(1) def. of *Director-General* repealed by No. 76/1998 s. 3(1)(a)(i).

S. 3(1) def. of
*forest
produce*
amended by
No. 48/2004
s. 127.

forest produce has the same meaning as it has in
the **Forests Act 1958**;

former authority means any of the following
bodies—

- (a) the Forests Commission established
under the **Forests Act 1958**;
- (b) the Soil Conservation Authority
established under the **Soil
Conservation and Land Utilization
Act 1958**;
- (c) the Vermin and Noxious Weeds
Destruction Board established under the
**Vermin and Noxious Weeds Act
1958**;

S. 3(1) def. of
*Game
Management
Authority*
inserted by
No. 24/2014
s. 77(1).

Game Management Authority means the Game
Management Authority established under
Part 2 of the **Game Management Authority
Act 2014**;

S. 3(1) def. of
land owner
amended by
Nos 35/1998
s. 13(1),
76/1998
s. 3(1)(a)(iv),
85/1998
s. 24(Sch.
item 12.1
(a)(b)).

land owner—

- (a) in relation to land which has been
alienated from the Crown and is under
the operation of the **Transfer of Land
Act 1958** (other than land in an
identified folio under that Act) means
the person who is registered as a
proprietor, or the persons who are
registered as the proprietors, of an
estate in fee simple in the land; and
- (b) in relation to land which has been
alienated by the Crown and is land in
an identified folio under the **Transfer**

of Land Act 1958 or land not under the operation of the **Transfer of Land Act 1958**, means the person who is the owner, or the persons who are owners, of the fee or equity of redemption; and

- (c) in relation to Crown land which is occupied under a lease, licence or other right, means the occupier under that lease, licence or right; and
- (d) in relation to Crown land which is managed or controlled by a public authority, (other than the Secretary) or a Minister (other than the Minister administering this Act) means the public authority or Minister that manages or controls the land; and
- (e) in relation to vested land, means the Victorian Plantations Corporation or, if the land is licensed under Part 3A of that Act, the licensee (within the meaning of that Part) of the land;

police officer has the same meaning as it has in the **Victoria Police Act 2013**;

S. 3(1) def. of *police officer* inserted by No. 37/2014 s. 10(Sch. item 26.1).

public authority means a body corporate created for a public purpose by or under an Act and includes—

- (a) a municipal council; and
- (b) the State Superannuation Board; and
- (c) a college or university or other educational institution incorporated by or under an Act; and

S. 3(1) def. of *public authority* amended by No. 12/1989 s. 4(1)(Sch. 2 item 16.1).

- (d) a body for the time being declared to be a public authority under subsection (3);

rate includes land tax;

S. 3(1) def. of *rating authority* amended by No. 40/1997 s. 138(Sch. 2 item 5).

rating authority—

- (a) in relation to land tax, means the Commissioner of State Revenue; and
(b) in relation to rates levied under an Act, means the body which levies the rate;

S. 3(1) def. of *relevant law* substituted by No. 38/1995 s. 12(a).

relevant law means, in relation to any provision of this Act—

- (a) this Act;
(b) the regulations;
(c) an Act specified in Schedule 1;
(d) regulations under an Act specified in Schedule 1—

and, in Part 9 (except sections 89, 97 and 98), includes an Act specified in Schedule 1A and regulations under any such Act;

S. 3(1) def. of *Secretary* inserted by No. 76/1998 s. 3(1)(a)(v), substituted by Nos 56/2003 s. 5(1)(b), 24/2014 s. 77(3)(c).

Secretary means the body corporate established by Part 2;

S. 3(1) def. of *successor in title* inserted by No. 35/1998 s. 13(2).

successor in title in relation to vested land means—

- (a) if the land owner is the Victorian Plantations Corporation, any licensee of the vested land within the meaning of Part 3A of the **Victorian Plantations Corporation Act 1993**; and

(b) if the land owner is a licensee of the vested land under a licence granted under that Part, any assignee of an interest in the licence or any person to whom an interest in the licence comes by operation of law;

Traditional Owner Land Management Board
means a Board established under Part 8A;

S. 3(1) def. of
***Traditional
Owner Land
Management
Board***
inserted by
No. 82/2009
s. 37.

vested land has the same meaning as it has in the
**Victorian Plantations Corporation Act
1993**;

S. 3(1) def. of
vested land
inserted by
No. 35/1998
s. 13(2).

VicForests means the State body known as
"VicForests" established under section 14 of
the **State Owned Enterprises Act 1992** by
Order in Council dated 28 October 2003
published in the Government Gazette on
28 October 2003;

S. 3(1) def. of
VicForests
inserted by
No. 97/2003
s. 6(1).

Victorian Plantations Corporation has the same
meaning as in the **Victorian Plantations
Corporation Act 1993**.

S. 3(1) def. of
***Victorian
Plantations
Corporation***
inserted by
No. 61/1993
s. 36(a).

Conservation, Forests and Lands Act 1987
No. 41 of 1987
Part 1—Preliminary

S. 3(2)
repealed by
No. 48/1993
s. 10(2),
new s. 3(2)
inserted by
No. 46/1998
s. 7(Sch. 1),
amended by
Nos 56/2003
s. 5(2),
108/2004
s. 117(1)
(Sch. 3
item 39.2),
24/2014
s. 77(4),
repealed by
No. 51/2016
s. 3(2).

* * * * *

S. 3(2A)
inserted by
No. 56/2003
s. 5(3),
repealed by
No. 24/2014
s. 77(5).

* * * * *

- (3) The Governor in Council may by Order published in the Government Gazette declare a body corporate constituted by or under an Act to be a public authority for the purposes of subsection (1).

4 Object

The object of this Act is to set up a legislative framework to enable the Minister—

- (a) to be an effective conserver of the State's lands, waters, flora and fauna; and
- (b) to make provision for the productive, educational and recreational use of the State's lands, waters, flora and fauna in ways which are environmentally sound, socially just and economically efficient.

4A Transport Integration Act 2010

This Act is interface legislation within the meaning of the **Transport Integration Act 2010**.

S. 4A
inserted by
No. 6/2010
s. 25(5)(Sch. 2
item 2) (as
amended by
No. 45/2010
s. 6).

5 Crown to be bound

This Act binds the Crown, not only in right of the State of Victoria but also, so far as the legislative power of the Parliament permits, the Crown in all its other capacities.

Part 2—Administration

Division 1—Secretary

Pt 2 Div. 1
(Heading)
amended by
No. 76/1998
s. 3(1)(b).

6 Secretary to be body corporate

S. 6(1)
substituted by
No. 48/1993
s. 11(1),
amended by
Nos 46/1998
s. 7(Sch. 1),
108/2004
s. 117(1)
(Sch. 3
item 39.2),
40/2009 s. 50,
24/2014 s. 78,
51/2016
s. 4(1).

- (1) The person who is for the time being the Department Head (within the meaning of the **Public Administration Act 2004**) of the Department and the successors in office of that person are a body corporate under the name "Secretary to the Department of Environment, Land, Water and Planning".

S. 6(2)
amended by
No. 76/1998
s. 3(1)(c).

- (2) The Secretary—
- (a) has perpetual succession; and
 - (b) is to have an official seal; and
 - (c) may sue and be sued in its corporate name; and
 - (d) is, subject to this Act, capable of taking, purchasing, acquiring, leasing, holding, exchanging, selling and disposing of real and personal property for the purpose of performing its functions or exercising its powers under a relevant law.

S. 6(3)
amended by
No. 76/1998
s. 3(1)(c).

- (3) The seal of the Secretary must be kept in such custody as the Secretary directs and must not be used except as authorised by the Secretary.

- (4) All courts must take judicial notice of the seal of the Secretary that has been affixed to any document and must presume that it was duly affixed. S. 6(4) amended by No. 76/1998 s. 3(1)(c).
- (5) The body corporate under subsection (1) is the successor in law of the body corporate established under section 6(1) of this Act as in force immediately before the commencement of the **Crown Land Acts (Amendment) Act 1993**. S. 6(5) inserted by No. 48/1993 s. 11(2).
- (6) The body corporate established by this section is deemed to be and always to have been the same body despite the change made to its name by the **Public Sector Reform (Miscellaneous Amendments) Act 1998**. S. 6(6) inserted by No. 48/1993 s. 11(2), amended by No. 46/1998 s. 7(Sch. 1), substituted by No. 76/1998 s. 3(2) (as amended by No. 74/2000 s. 3(Sch. 1 item 26)).
- (7) The body corporate established by this section is taken to be and always to have been the same body despite the change made to its name by the **Crown Land Legislation Amendment Act 2016**. S. 6(7) inserted by No. 48/1993 s. 11(2), amended by No. 46/1998 s. 7(Sch. 1), repealed by No. 76/1998 s. 3(2) (as amended by No. 74/2000 s. 3(Sch. 1 item 26)), new s. 6(7) inserted by No. 51/2016 s. 4(2).
- 7 Secretary to be subject to control**
- (1) In the carrying out of the powers, functions and duties conferred or imposed on the Secretary by or under this or any other Act, the Secretary is subject to the direction and control of the Minister. S. 7(1) amended by No. 76/1998 s. 3(1)(d).

S. 7(2)
amended by
No. 76/1998
s. 3(1)(d).

(2) The Secretary must give the Minister such reports, documents and information as may be required by Parliament pursuant to any Act, or pursuant to any Order of either House of Parliament.

S. 7(3)
amended by
No. 76/1998
s. 3(1)(d).

(3) The Secretary must, at intervals determined by the Minister, provide the Minister with reports concerning all business carried on by the Secretary and any further information which the Minister may require.

S. 7(4)
amended by
Nos 76/1998
s. 3(1)(e)(i)(ii),
40/2009 s. 51,
24/2014 s. 79,
51/2016 s. 5.

(4) This section does not apply to a power, function or duty of the person for the time being constituting the body called "the Secretary to the Department of Environment, Land, Water and Planning", being a power function or duty which the person has in the capacity of Department Head.

S. 8
amended by
Nos 46/1998
s. 7(Sch. 1),
76/1998
s. 3(1)(f),
108/2004
s. 117(1)
(Sch. 3
item 39.2).

8 Department Head to have same powers as before incorporation

The powers and functions of the person who for the time being constitutes the body corporate established by this Division are in addition to, and do not affect the person's powers and functions as Department Head whether those powers and functions are conferred by or are derived from the **Public Administration Act 2004** or by any other Act, law or practice.

S. 9
repealed by
No. 76/1998
s. 3(1)(g).

* * * * *

10 Functions of Secretary

S. 10(1)
amended by
No. 76/1998
s. 3(1)(h).

(1) The Secretary has the functions conferred by a relevant law or by or under any other Act.

- (2) Subject to this Act, the Secretary has the power to do all things necessary or convenient to be done for or in connection with the performance of its functions.

S. 10(2)
amended by
No. 76/1998
s. 3(1)(h).

11 Delegation of powers and functions

- (1) The Minister may by instrument delegate any of the Minister's powers, functions or duties (except the powers, functions and duties under Parts 2, 5 and 8 and under section 19 and this power of delegation) conferred or imposed under this or any other Act as are specified in the instrument to—

S. 11(1)
amended by
No. 86/1993
s. 39.

- (a) any employee under the **Public Administration Act 2004** or the holder of a statutory office within the meaning of that Act; or

S. 11(1)(a)
substituted by
No. 96/1994
s. 52(a),
amended by
Nos 46/1998
s. 7(Sch. 1),
108/2004
s. 117(1)
(Sch. 3
item 39.2).

- (b) with the consent of the Minister concerned, any officer, employee or servant of the Public Service of the Commonwealth or a State or Territory other than Victoria; or

- (c) any council, board or committee established under a relevant law; or

S. 11(1)(c)
amended by
Nos 61/1993
s. 36(b),
8/1995
s. 41(a).

- (ca) a Catchment Management Authority established under the **Catchment and Land Protection Act 1994**; or

S. 11(1)(ca)
inserted by
No. 85/2006
s. 160.

- (d) the Victorian Plantations Corporation or a member of staff of that Corporation; or

S. 11(1)(d)
inserted by
No. 61/1993
s. 36(b),
amended by
No. 97/2003
s. 6(2)(a).

Conservation, Forests and Lands Act 1987
No. 41 of 1987
Part 2—Administration

S. 11(1)(e)
inserted by
No. 97/2003
s. 6(2)(b).

(e) VicForests or an employee of VicForests.

S. 11(2)
amended by
No. 76/1998
s. 3(1)(i)(ii).

(2) The Secretary by instrument under seal may delegate any of the Secretary's powers, functions or duties, (except this power of delegation) conferred or imposed under this or any other Act as are specified in the instrument to—

S. 11(2)(a)
substituted by
No. 96/1994
s. 52(b),
amended by
Nos 46/1998
s. 7(Sch. 1),
108/2004
s. 117(1)
(Sch. 3
item 39.2).

(a) any employee under the **Public Administration Act 2004** or the holder of a statutory office within the meaning of that Act; or

(b) any officer or employee of whose services the Minister makes use in pursuance of this or any other Act; or

(c) with the consent of the Minister concerned, any officer, employee or servant of the Public Service of the Commonwealth or a State or Territory other than Victoria; or

S. 11(2)(d)
amended by
Nos 61/1993
s. 36(c),
8/1995
s. 41(a).

(d) any council, board or committee established under a relevant law; or

S. 11(2)(e)
inserted by
No. 61/1993
s. 36(c),
amended by
No. 97/2003
s. 6(3)(a).

(e) the Victorian Plantations Corporation or a member of staff of that Corporation; or

S. 11(2)(f)
inserted by
No. 97/2003
s. 6(3)(b).

(f) VicForests or an employee of VicForests.

- (3) A delegation under subsection (1) or subsection (2) may be made to a particular person or class of persons.
- (3A) The Minister may by instrument delegate any of the Minister's powers, functions or duties under the **Coastal Management Act 1995**, the **Crown Land (Reserves) Act 1978**, the **Forests Act 1958**, the **Land Act 1958**, the **National Parks Act 1975**, Part 5AA of the **Water Act 1989** or the **Wildlife Act 1975** to Parks Victoria or an employee of Parks Victoria for the purpose of the performance or exercise by Parks Victoria or an employee of Parks Victoria of that power, function or duty in the course of carrying out duties under any agreement or arrangement relating to the management of Crown land by Parks Victoria.
- (3AA) The Minister, by instrument, may delegate any of the Minister's powers, functions or duties under Division 4 of Part 4 of the **Water Industry Act 1994** to Parks Victoria or an employee of Parks Victoria for the purpose of the performance or exercise by Parks Victoria or an employee of Parks Victoria of that power, function or duty in the course of carrying out duties under any agreement or arrangement relating to the management of waterways land (within the meaning of the **Water Industry Act 1994**) by Parks Victoria.
- (3B) The Secretary by instrument under seal may delegate any of the Secretary's powers, functions or duties under the **Crown Land (Reserves) Act 1978**, the **Forests Act 1958**, the **Land Act 1958**, the **National Parks Act 1975**, Part 5AA of the **Water Act 1989** or the **Wildlife Act 1975** to Parks Victoria or an employee of Parks Victoria for the purpose of the performance or exercise by Parks Victoria or an employee of Parks Victoria

S. 11(3A)
inserted by
No. 44/1998
s. 26,
amended by
No. 53/2014
s. 8.

S. 11(3AA)
inserted by
No. 66/2000
s. 33(1).

S. 11(3B)
inserted by
No. 44/1998
s. 26,
amended by
Nos 76/1998
s. 3(1)(i)(ii),
53/2014 s. 8.

of that power, function or duty in the course of carrying out duties under any agreement or arrangement relating to the management of Crown land by Parks Victoria.

S. 11(3C)
inserted by
No. 66/2000
s. 33(2).

(3C) The Secretary, by instrument under seal, may delegate any of the Secretary's powers, functions or duties under regulations made under section 136, 149 or 184(2) and (3) of the **Water Industry Act 1994** to Parks Victoria or an employee of Parks Victoria for the purpose of the performance or exercise by Parks Victoria or an employee of Parks Victoria of that power, function or duty in the course of carrying out duties under any agreement or arrangement relating to the management of reservoir parks land or waterways land (within the meaning of the **Water Industry Act 1994**) by Parks Victoria.

S. 11(4)
amended by
No. 76/1998
s. 3(1)(i)(i).

(4) The Minister may by instrument delegate to the Secretary all or any of the Minister's powers functions or duties under this Act (except the powers, functions and duties under Parts 2, 5 and 8 and under section 19 and this power of delegation).

S. 11(5)
inserted by
No. 90/1989
s. 7(2).

(5) The Minister cannot under subsection (1) or (4) delegate the power under section 138A(7)(c) of the **Land Act 1958** to grant or renew, or approve the grant or renewal of, a licence for a term exceeding 21 years.

Division 2—Advisory bodies

12 Committees

- (1) For the purpose of this Act the Minister may do any of the following—
- (a) create one or more councils or committees;
 - (b) appoint members to a council or committee;

- (c) determine the period for which a council or committee is constituted;
 - (d) determine the functions of a council or committee;
 - (e) appoint a convener to a council or committee;
 - (f) abolish a council or committee.
- (2) The Minister may create a council or committee to—
- (a) provide advice and make recommendations to the Minister and the Secretary in relation to matters specifically referred to the council or committee by the Minister or the Secretary and generally in relation to matters referred to it by the Minister; and
 - (b) assist in the implementation of departmental policies, programmes and services; and
 - (c) monitor the effectiveness, efficiency and economy of departmental policies, programmes and services; and
 - (d) encourage and assist communication between the Department and any person, group or corporation referred to by the Minister or the Secretary; and
 - (e) engage in the regular review of any matter referred to it by the Minister; and
 - (f) report to the Minister on those functions of the Department affecting any matter referred to it by the Minister.

S. 12(2)(a)
amended by
No. 76/1998
s. 3(1)(i).

S. 12(2)(d)
amended by
No. 76/1998
s. 3(1)(i).

Conservation, Forests and Lands Act 1987
No. 41 of 1987
Part 2—Administration

S. 12(3)
amended by
No. 46/1998
s. 7(Sch. 1),
substituted by
Nos 108/2004
s. 117(1)
(Sch. 3
item 39.3),
80/2006
s. 26(Sch.
item 19).

- (3) The **Public Administration Act 2004** (other than Part 3 of that Act) applies to a member of a council or committee in respect of the office of member.
- (4) Schedule 2 has effect in relation to a council or committee established under this Division.

Part 3—Property

13 Power to acquire land

For the purposes of this Act or an Act specified in Schedule 1 the Secretary may purchase or compulsorily acquire any land or interest in land on behalf of the Crown.

S. 13
amended by
No. 76/1998
s. 3(1)(j).

14 The Land Acquisition and Compensation Act 1986 is to apply

(1) The **Land Acquisition and Compensation Act 1986** applies to the purchase and compulsory acquisition of land by the Secretary under this Part.

S. 14(1)
amended by
Nos 96/1994
s. 52(c),
76/1998
s. 3(1)(j).

(2) For the purpose of the application of the **Land Acquisition and Compensation Act 1986**—

(a) *The special Act* is this Act; and

(b) *The Authority* is the Secretary.

S. 14(2)(b)
amended by
No. 76/1998
s. 3(1)(j).

15 Power to dispose of land

(1) For the purposes of a relevant law the Secretary may with the approval of the Minister dispose of any land which has been alienated by the Crown or an interest in any such alienated land belonging to the Secretary.

S. 15(1)
amended by
No. 76/1998
s. 3(1)(j).

(2) In subsection (1) *dispose* includes sell or exchange.

(3) The Minister may give approval under this section subject to conditions, including conditions as to price.

(4) The Secretary must pay the proceeds of the disposal of land under this section into the Consolidated Fund.

S. 15(4)
amended by
No. 76/1998
s. 3(1)(j).

S. 15(5)(6)
repealed by
No. 101/1994
s. 65.

* * * * *

S. 16
amended by
No. 76/1998
s. 3(1)(j).

16 Power to accept donations

For the purposes of a relevant law the Secretary may acquire any property on behalf of the Crown as a gift, devise or bequest whether upon conditions or otherwise.

S. 17
amended by
No. 76/1998
s. 3(1)(j).

17 Easements

Where a right in the nature of an easement or purporting to be an easement or an irrevocable licence is purchased or compulsorily acquired under this Part that right is deemed for all purposes to be an easement although there is no land vested in the Secretary which is in fact benefited or capable of being benefited by that right.

Part 4—Finance

Division 1—Agreements and accounting

18 Power of the Secretary to enter into contracts

- (1) For the purposes of a relevant law the Secretary may enter into contracts or agreements with any persons or corporations.

S. 18(1)
amended by
No. 76/1998
s. 3(1)(j).

* * * * *

S. 18(2)
repealed by
No. 101/1994
s. 65.

- (3) The Secretary may do all things that are necessary or convenient to be done to give effect to a contract made under this section.

S. 18(3)
amended by
No. 76/1998
s. 3(1)(j).

19 Limitation upon the Secretary's power to make contracts

- (1) In this section *prescribed amount* means—
(a) \$50 000; or
(b) if a greater amount is prescribed for the purposes of this section, that greater amount.

- (2) A contract or agreement entered into by the Secretary where—
(a) the consideration exceeds the prescribed amount; or
(b) the period for performance exceeds three years—

S. 19(2)
amended by
No. 76/1998
s. 3(1)(j).

has no force or effect unless approved by the Minister.

- (3) This section does not apply to a land management co-operative agreement under Part 8.

S. 20
amended by
No. 76/1998
s. 3(1)(j).

20 Expenditure by the Secretary

The Secretary must pay the costs of the administration, maintenance, protection and management of all Crown lands under the jurisdiction and control of the Secretary and all other matters and things under the jurisdiction and control of the Secretary out of such money as is from year to year provided for that purpose by Parliament.

S. 21
amended by
No. 76/1998
s. 3(1)(j).

21 Entry of payments

An entry of every payment made under section 20 must be made in books of account kept by the Secretary and must state the Crown land or other matter or thing for which the payment has been made.

22 Conservation, Forests and Lands Stores Suspense Account

- (1) There is established and kept in the Treasury an account called the "Conservation, Forests and Lands Stores Suspense Account" (in this section called *the account*).
- (2) Any amount specified for the purpose in any Act must be paid into the account for the purchase of stores, fuel, materials, fittings, equipment and the procurement and hire of plant for works under a relevant law.
- (3) The money in the account must be applied—
 - (a) for the purchase of stores, fuel, materials, fittings, equipment and the procurement, hire, operation, maintenance and repair of plant pending the allocation of such stores, fuel, materials, fittings, equipment and plant to the various works in which they are used; and

- (b) to defray the cost of manufacturing articles for stock for use on works of the Secretary.

S. 22(3)(b)
amended by
No. 76/1998
s. 3(1)(j).

- (4) The value or amount of—

(a) stores, fuel, materials, fittings, equipment, plant and hire charges made for the use of such plant; and

- (b) manufactured articles of stock—

must be charged to the respective appropriations or funds (made or established under any Act) for the various works in which they are used, and must be credited to the account.

23 Conservation, Forests and Lands Plant and Machinery Fund

- (1) There is established and kept in the Treasury an account called the "Conservation, Forests and Lands Plant and Machinery Fund" (in this section called *the fund*).

- (2) When any plant or machinery of the Secretary specified for the purpose of this section by the Secretary is engaged on the construction or maintenance of any works by the Secretary, there must be charged on the money authorised for the carrying out of those works such sums as the Secretary determines are proper in the circumstances to be charged for—

S. 23(2)
amended by
No. 76/1998
s. 3(1)(j).

(a) renewals and replacements of that plant or machinery; and

- (b) costs of operating, maintaining and repairing that plant or machinery and other expenses incidental thereto.

- (3) Any charge may be determined on the basis of—
- (a) a percentage of the cost of the purchase, acquisition or replacement of the plant or machinery; or
 - (b) the period or distance or amount of work for which the plant or machinery is so engaged; or
 - (c) if while the plant or machinery is so engaged it must be moved from one place to another, the distance for which the plant or machinery must travel.
- (4) Every sum so charged for the renewal or replacement of any such plant or machinery must be paid to the credit of the fund.
- (5) Any money standing to the credit of the fund to the extent to which it is not immediately required may be invested in such securities as are approved by the Treasurer and any interest derived therefrom must be credited to the fund.
- (6) Subject to subsection (5), money credited to the fund—
- (a) must be applied for the purpose of the renewal or replacement of plant or machinery which has been specified for the purposes of this section; and
 - (b) must be used only upon the written authority of the Secretary.
- (7) An item of plant or machinery not further required may be disposed of and the proceeds must be paid into the Consolidated Fund except where the item has been purchased with money from the fund as established by this section and, if the item has been so purchased the proceeds of disposal must be paid to the credit of the fund.

S. 23(6)(b)
amended by
No. 76/1998
s. 3(1)(j).

- (8) In this section and in section 22 *plant* includes motor vehicles.

24 Budgets

- (1) The Secretary must before 31 May in each year prepare a budget of all revenues to be paid into the Conservation, Forests and Lands Stores Suspense Account and the Conservation, Forests and Lands Plant and Machinery Fund and all expenditures to be charged against each of those accounts.
- (2) The budget must be prepared in the form approved by the Treasurer and must give reasons for the items contained in it.
- (3) The budget must be submitted to the Treasurer not later than 31 May before the year to which it relates.
- (4) The Treasurer may approve the budget or may make such alterations to it as the Treasurer sees fit.
- (5) The Treasurer may from time to time determine the amount to be paid out of the Conservation, Forests and Lands Stores Suspense Account or the Conservation, Forests and Lands Plant and Machinery Fund, and the amount so determined must be paid into the Consolidated Fund.

S. 24(1)
amended by
No. 76/1998
s. 3(1)(i).

25 Payments into Consolidated Fund in respect of roads etc.

- (1) There must be paid into the Consolidated Fund all moneys which under any agreement are paid to or received by the Secretary for the use of any road or track constructed or maintained by the Secretary.
- (2) The moneys appropriated by Parliament for the purposes of road maintenance in forests must be paid to the Secretary for or towards the maintenance of the roads or tracks in any forest.

S. 25(1)
amended by
No. 76/1998
s. 3(1)(i).

S. 25(2)
amended by
No. 76/1998
s. 3(1)(i).

S. 25(3)
amended by
No. 76/1998
s. 3(1)(j).

- (3) In submitting estimates to the Parliament for appropriation for the purposes of subsection (2), the Treasurer must have regard to the amount of moneys which in any financial year were paid to or received by the Secretary under any agreement for the use of any specified road or track constructed or maintained by the Secretary.

S. 26
amended by
No. 11/1995
s. 3(2),
repealed by
No. 93/1997
s. 28(Sch.
item 6).

* * * * *

Division 2—Charges and fees

S. 27
amended by
No. 76/1998
s. 3(1)(j).

27 Right to levy charges and fees

For the purposes of this Act, the Secretary may demand, levy and recover charges and fees in accordance with this Division.

28 Charges and fees

S. 28(1)
amended by
No. 76/1998
s. 3(1)(j).

- (1) Where under the provisions of any Act or subordinate instrument the Minister, Department or Secretary—
- (a) supplies any service; or
 - (b) makes any registration; or
 - (c) gives any permission; or
 - (d) furnishes any information; or
 - (e) receives any application for approval—
- there may be charged a fee determined by the Secretary with the approval of the Minister (not exceeding the prescribed amount, if any).

S. 28(2)
amended by
No. 76/1998
s. 3(1)(j).

- (2) The Secretary must cause a copy of a determination under subsection (1) to be published in the Government Gazette.

- (3) This section does not affect the operation of a provision of an Act or regulations made under an Act which relates to charges or fees to which this section applies, including any provision which limits the amounts of those charges or fees.

29 Liability for charge or fee

S. 29
amended by
No. 76/1998
s. 3(1)(j).

A charge or fee levied under this Division must be paid to the Minister, Department or Secretary by the person at whose request the service is supplied, registration made, permission given, information furnished or from whom the application is received, as the case may be.

30 Charge or fee may be recovered as debt

- (1) Any charge, fee or money due to the Minister, Department or Secretary under the provisions of a relevant law may be recovered as a debt in a court of competent jurisdiction.
- (2) Where the charge, fee or money due is not paid within 30 days of the date that the amount is required to be paid, the amount payable includes an additional amount, being interest on the charge, fee or money due at the rate for the time being fixed under section 2 of the **Penalty Interest Rates Act 1983**.

S. 30(1)
amended by
No. 76/1998
s. 3(1)(j).

S. 30(2)
amended by
No. 58/1989
s. 4(a).

* * * * *

S. 30(3)
repealed by
No. 58/1989
s. 4(b).

Pt 5 (Heading and ss 31–55) amended by Nos 57/1989 s. 3(Sch. item 27.1), 52/1994 s. 97(Sch. 3 items 4.1, 4.2), 76/1998 s. 3(1)(j)-(m), substituted as Pt 5 (Heading and ss 31–40) by No. 48/2004 s. 128.

S. 31 substituted by No. 48/2004 s. 128.

S. 32 substituted by No. 48/2004 s. 128.

Part 5—Codes of Practice

31 Power to make Codes of Practice

- (1) The Minister, in accordance with this Part, may make Codes of Practice which specify standards and procedures for the carrying out of any of the objects or purposes of a relevant law.
- (2) A Code of Practice may apply, adopt or incorporate any matter contained in any document, standard, rule, specification or method, formulated, issued, prescribed or published by any person whether—
 - (a) wholly or partially or as amended by the Code of Practice; or
 - (b) as formulated, issued, prescribed or published at the time the Code of Practice is made or at any time before then.

32 Variation and revocation of Code of Practice

The Minister, in accordance with this Part, may vary or revoke a Code of Practice at any time.

33 Advertisement of draft Code of Practice, variation or revocation

S. 33
substituted by
No. 48/2004
s. 128.

- (1) The Minister must give notice of—
 - (a) any draft Code of Practice which the Minister proposes to make;
 - (b) any variation of a Code of Practice which the Minister proposes to make;
 - (c) any revocation of a Code of Practice which the Minister proposes to make.
- (2) A notice under subsection (1) must be published—
 - (a) in the Government Gazette; and
 - (b) in a newspaper circulating generally throughout the State.
- (3) A notice under subsection (1) must—
 - (a) state where a copy of the draft Code of Practice, variation or revocation (as the case requires) may be obtained; and
 - (b) state that submissions may be made to the Minister and that they must be made within 60 days of the publication of the notice.

34 Consideration of submissions

S. 34
substituted by
No. 48/2004
s. 128.

The Minister must consider any submissions made to the Minister if those submissions are made within the time specified in section 33(3).

35 Tabling and disallowance

S. 35
substituted by
No. 48/2004
s. 128.

- (1) Before any draft Code of Practice or any variation or revocation of a Code of Practice is made, the Minister must ensure that a copy of that draft Code of Practice, variation or revocation is tabled in each House of the Parliament for 14 sitting days.

- (2) A draft Code of Practice or any variation or revocation of a Code of Practice may be disallowed by resolution of a House of the Parliament during the 14 sitting days after it is tabled under subsection (1).

S. 36
substituted by
No. 48/2004
s. 128.

36 Incorporated material to be tabled

If any Code of Practice applies, adopts or incorporates any matter under section 31(2) or a variation of a Code of Practice varies a Code of Practice so as to apply, adopt or incorporate such matter in the Code of Practice, the Minister must cause a copy of that matter to be tabled before each House of the Parliament as soon as is practicable after the Code of Practice or variation is made and notice of that making is published in the Government Gazette.

S. 37
substituted by
No. 48/2004
s. 128.

37 How is a Code of Practice made?

- (1) If a draft Code of Practice or any variation or revocation of a Code of Practice is not disallowed under section 35, the Minister may make that Code of Practice or any variation or revocation of a Code of Practice.
- (2) On the making of a Code of Practice or any variation or revocation of a Code of Practice the Minister must cause to be published in the Government Gazette notice of—
- (a) the making of the Code of Practice or any variation or revocation of a Code of Practice; and
 - (b) in the case of the making of the Code of Practice or any variation, the place where copies of the Code of Practice may be obtained.

- (3) A Code of Practice or any variation or revocation of a Code of Practice takes effect on—
- (a) the date that the notice under subsection (2) is published in the Government Gazette; or
 - (b) a later date specified in the notice.

38 Availability of Code of Practice

A Code of Practice and any documents incorporated in a Code of Practice must be kept available for public inspection at—

- (a) the principal office of the Department; and
- (b) major regional offices of the Department.

39 Compliance with Codes of Practice

Compliance with a Code of Practice is not required unless the Code of Practice is incorporated in or adopted by—

- (a) a relevant law; or
- (b) a condition specified in an authority given under a relevant law.

40 Incorporation of Codes of Practice by regulation

- (1) Any regulation made under this Act or any of the Acts specified in Schedule 1 or any Act administered by the Minister may incorporate or adopt a Code of Practice made in accordance with the objects or purposes of this or that Act, including any documents applied, incorporated or adopted by reference in the Code of Practice.
- (2) For the purposes of subsection (1), a regulation may incorporate or adopt a Code of Practice—
 - (a) wholly or partly or as amended by the regulation; or

S. 38
substituted by
No. 48/2004
s. 128.

S. 39
substituted by
No. 48/2004
s. 128.

S. 40
substituted by
No. 48/2004
s. 128.

Conservation, Forests and Lands Act 1987
No. 41 of 1987
Part 5—Codes of Practice

- (b) as existing at the time when the regulation is made or at any time before then; or
- (c) as amended from time to time in accordance with this Act.

**Ss 41–55
repealed by
No. 48/2004
s. 128.**

* * * * *

Part 6—Conservation workers

56 Definitions

(1) In this Part—

S. 56
amended by
No. 72/2001
s. 3(Sch.
item 3.2) (ILA
s. 39B(1)).

Authority means the Victorian WorkCover Authority under the **Workplace Injury Rehabilitation and Compensation Act 2013**;

S. 56(1) def. of
Commission
substituted as
Authority by
No. 67/2013
s. 649(Sch. 9
item 4(1)) (as
amended by
No. 44/2014
s. 24(40)).

conservation work means the carrying out of any work approved by the Secretary as "conservation work";

conservation worker means a person who—

S. 56(1) def. of
*conservation
worker*
amended by
No. 76/1998
s. 3(1)(n).

- (a) in an unpaid capacity or as a volunteer engages in conservation work with the written approval of the Secretary; or
- (b) in an unpaid capacity or as a volunteer engages in conservation work and is a member of an organization approved by the Secretary;

domestic partner of a person means—

S. 56(1) def. of
*domestic
partner*
inserted by
No. 72/2001
s. 3(Sch.
item 3.1),
substituted by
No. 12/2008
s. 73(1)(Sch. 1
item 8.1),
amended by
No. 4/2009
s. 37(Sch. 1
item 6.1).

- (a) a person who is in a registered domestic relationship with the person; or
- (b) a person to whom the person is not married but with whom the person is living as a couple on a genuine domestic basis (irrespective of gender);

Conservation, Forests and Lands Act 1987
No. 41 of 1987
Part 6—Conservation workers

S. 56(1) def. of *partner* inserted by No. 72/2001 s. 3(Sch. item 3.1).

partner of a deceased conservation worker means the worker's spouse or domestic partner at the time of the worker's death;

S. 56(1) def. of *spouse* inserted by No. 72/2001 s. 3(Sch. item 3.1), amended by No. 67/2013 s. 649(Sch. 9 item 4(2)(a)).

spouse of a person means a person to whom the person is married.

S. 56(1) def. of *Tribunal* repealed by No. 67/2013 s. 649(Sch. 9 item 4(2)(b)).

* * * * *

S. 56(2) inserted by No. 72/2001 s. 3(Sch. item 3.2), substituted by No. 12/2008 s. 73(1)(Sch. 1 item 8.2).

(2) For the purposes of the definition of *domestic partner* in subsection (1)—

S. 56(2)(a) amended by No. 4/2009 s. 37(Sch. 1 item 6.2(a)).

(a) *registered domestic relationship* has the same meaning as in the **Relationships Act 2008**; and

S. 56(2)(b) amended by No. 4/2009 s. 37(Sch. 1 item 6.2(b)).

(b) in determining whether persons who are not in a registered domestic relationship are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 35(2) of the **Relationships Act 2008** as may be relevant in a particular case.

57 Secretary may give certificates

A certificate under the seal of the Secretary to the effect that—

- (a) at a time stated in the certificate a person is, or is not, a member of an organization approved by the Secretary; or
- (b) work of a kind stated in the certificate is, or is not, work approved by the Secretary as conservation work; or
- (c) on a date specified in the certificate the Secretary gave written approval for a person to engage in conservation work—

S. 57
amended by
No. 76/1998
s. 3(1)(o).

S. 57(a)
amended by
No. 76/1998
s. 3(1)(o).

S. 57(b)
amended by
No. 76/1998
s. 3(1)(o).

S. 57(c)
amended by
No. 76/1998
s. 3(1)(o).

is evidence of the matters stated in the certificate.

58 Compensation for personal injuries and property damage

- (1) A conservation worker who suffers personal injury arising out of or in the course of engaging in any conservation work or travelling to or from any place where any conservation work is to be or has been engaged in, is entitled to be paid compensation or, in the case of death, the partner, children or dependants of the deceased conservation worker are entitled to be paid compensation as provided by this section.
- (2) The compensation is to be paid in accordance with and subject to the provisions of the **Accident Compensation Act 1985** or the **Workplace Injury Rehabilitation and Compensation Act 2013**, as the case requires as if, within the meaning of that Act, at the time the person suffered the personal injury he or she was a worker employed by the Crown and the personal injury arose within or in the course of that employment.

S. 58(1)
amended by
No. 72/2001
s. 3(Sch.
item 3.3).

S. 58(2)
amended by
No. 67/2013
s. 649(Sch. 9
item 4(3)).

S. 58(3)
amended by
No. 76/1998
s. 3(1)(p)(i)(ii).

(3) Subject to subsection (4), when a conservation worker suffers damage to or destruction of any property which he or she owns, possesses or controls and the damage or destruction arises out of or in the course of the carrying out of conservation work, the Secretary may authorise the payment to the owner of the property of such compensation for the damage or destruction as the Secretary considers reasonable in the circumstances.

S. 58(4)
amended by
No. 76/1998
s. 3(1)(q).

(4) A person is not entitled to recover both damages in respect of damage to or destruction of property and compensation under subsection (3) but if this occurs the Secretary may in respect of damage to or destruction of that property, recover from that person the amount of compensation paid under subsection (3), as a debt due to the Crown.

S. 59
(Heading)
inserted by
No. 67/2013
s. 649(Sch. 9
item 4(4)).

59 Jurisdiction of County Court

Where any question or matter arises under section 58(1) or (2), the County Court has under this Act exclusive jurisdiction to hear and determine the question or matter as if it arose under the **Accident Compensation Act 1985** or the **Workplace Injury Rehabilitation and Compensation Act 2013**, as the case requires, and those Acts apply with the necessary adaptations and modifications.

S. 59
amended by
No. 67/2013
s. 649(Sch. 9
item 4(5)).

S. 60
(Heading)
inserted by
No. 67/2013
s. 649(Sch. 9
item 4(6)).

60 Authority to represent the Crown

In all proceedings for compensation under this Part, the Authority is to represent the Crown and subject to any rules made by the County Court pursuant to this Part, is to be regarded as the employer of the conservation worker for the purposes of the **Accident Compensation Act 1985** or the **Workplace Injury Rehabilitation and Compensation Act 2013**, as the case

S. 60
amended by
Nos 67/2013
s. 649(Sch. 9
item 4(7)),
21/2015
s. 3(Sch. 1
item 13).

requires, and has the powers rights and authorities which the employer has under this Act.

61 Authority entitled to costs and expenses

S. 61
(Heading)
inserted by
No. 67/2013
s. 649(Sch. 9
item 4(8)).

- (1) Where the Authority represents the Crown in any proceeding under this Act the Authority shall be entitled to such amounts as the County Court thinks proper for its costs and expenses.
- (2) Any amount paid to the Authority from the Consolidated Fund for its costs and expenses in proceedings before the County Court is to be paid upon the certificate of the County Court and is to be paid by the Authority into the WorkCover Authority Fund.

S. 61(1)
amended by
No. 67/2013
s. 649(Sch. 9
item 4
(9)(a)(b)).

S. 61(2)
amended by
No. 67/2013
s. 649(Sch. 9
item 4(9)).

62 Rules

The County Court may make rules for the purposes of carrying into effect the provisions of this Act relating to compensation.

S. 62
amended by
No. 67/2013
s. 649(Sch. 9
item 4(10)).

63 Recovery from third parties

Where compensation has been paid under this Part and the personal injury, damage or destruction in respect of which compensation has been paid was caused under circumstances creating a liability on the part of some person other than the conservation worker to pay damages, the Secretary may take proceedings against that person in a court of competent jurisdiction to recover the amount of the compensation paid under this Act.

S. 63
amended by
No. 76/1998
s. 3(1)(q).

64 Compensation and expenses to be paid from Consolidated Fund

The amount of any compensation paid under this Part and any expenses incurred in the administration of this Part must be paid out of the Consolidated Fund which is hereby to the necessary extent appropriated accordingly.

S. 65
amended by
No. 76/1998
s. 3(1)(q).

65 Offence

A person who in or in connection with any claim for compensation under this Part wilfully makes any false statement to or otherwise wilfully misleads or attempts to mislead the Secretary, the Tribunal or any other person, is guilty of an offence.

Penalty: 5 penalty units or imprisonment for 3 months or both.

Part 7—Public authorities

66 When a plan of works must be submitted

- (1) Except as provided in subsection (2), prior to the commencement of any works specified in Schedule 3, a public authority must submit a plan of works to the Secretary for comment on any necessary measures to be taken for the protection of land, waters and wildlife.
- (2) A plan of works specified in Schedule 3 need not be submitted where—
- (a) the works involve extractive industry operations to which the **Mineral Resources (Sustainable Development) Act 1990** applies and a works authority has been granted under that Act in respect of those operations; and
 - (b) notice of the works has been given to any public authority which has notified the Secretary of the works.
- (3) The Secretary must ensure that a public authority which submits a plan of works is given a copy of any comments made on the plan under subsection (1).
- (4) If a public authority gives notice of its intention to commence any works specified in Schedule 3 pursuant to an Act other than this Act or regulations made under an Act other than this Act, and the person or body which receives the notice notifies the Secretary, the Secretary may comment on any necessary measures to be taken for the protection of land, waters, flora and fauna, and the Secretary must ensure that the public authority is given a copy of any comments so made.

S. 66(1)
amended by
No. 76/1998
s. 3(1)(r)(i).

S. 66(2)(a)
substituted by
No. 67/1995
s. 58(Sch. 1
item 4),
amended by
No. 6/2009
s. 47.

S. 66(2)(b)
amended by
No. 76/1998
s. 3(1)(r)(i)(ii).

S. 66(3)
amended by
No. 76/1998
s. 3(1)(r)(i).

S. 66(4)
amended by
No. 76/1998
s. 3(1)(r)(i).

67 Compliance with Codes of Practice and comments

S. 67(1)
amended by
No. 76/1998
s. 3(1)(s).

- (1) A public authority must not take action contrary to a Code of Practice, or the Secretary's comment made under section 66 unless—
 - (a) the authority is satisfied that there is no feasible and prudent alternative; and
 - (b) all measures that can reasonably be taken to minimize the adverse effect of the action are taken.

S. 67(2)
amended by
No. 46/1998
s. 7(Sch. 1).

- (2) The Administrative Office Head of an Administrative Office must ensure that, in the carrying out of the Office's functions, action is not taken which is contrary to a Code of Practice unless—

S. 67(2)(a)
amended by
No. 46/1998
s. 7(Sch. 1).

- (a) the Administrative Office Head is satisfied that there is no feasible and prudent alternative; and
- (b) all measures that could reasonably be taken to minimise the adverse effects of the action are taken.

S. 67(3)
substituted by
No. 46/1998
s. 7(Sch. 1).

- (3) In this section

S. 67(3) def. of
*Admin-
istrative Office*
amended by
No. 108/2004
s. 117(1)
(Sch. 3
item 39.4).

Administrative Office means an Administrative Office within the meaning of the **Public Administration Act 2004**;

Conservation, Forests and Lands Act 1987
No. 41 of 1987
Part 7—Public authorities

Administrative Office Head, in relation to an Administrative Office, means the person employed as the head of the Administrative Office under the **Public Administration Act 2004**.

S. 67(3) def. of *Administrative Office Head* amended by No. 108/2004 s. 117(1) (Sch. 3 item 39.4).

Part 8—Land management co-operative agreements

68 Powers of the Secretary

S. 68(1)
amended by
Nos 31/1994
s. 3(Sch. 1
item 12.1) (as
amended by
No. 43/1995
s. 19(1)(a)(ii)),
76/1998
s. 3(1)(t).

- (1) With the Minister's approval the Secretary may out of moneys available for the purpose—
 - (a) grant or loan money to a land owner; and
 - (b) provide other assistance to a land owner.

- (2) A grant or loan or other assistance under subsection (1) is subject to—
 - (a) the prescribed conditions (if any); and
 - (b) such other conditions as the Secretary with the approval of the Minister determines.

S. 68(2)(b)
amended by
No. 76/1998
s. 3(1)(t).

- (3) The purpose of providing grants, loans and other assistance under this section is to encourage land owners to follow good land management practices or otherwise to give effect to the objects or purposes of a relevant law.

69 Power to enter into agreements

S. 69(1)
amended by
No. 76/1998
s. 3(1)(t).

- (1) The Secretary may enter into an agreement with any land owner relating to the management, use, development, preservation or conservation of land in the possession of the land owner or otherwise to give effect to the objects or purposes of a relevant law, in relation to land in the possession of the land owner.

S. 69(2)
repealed by
No. 101/1994
s. 65.

* * * * *

- (3) Without limiting subsection (1), the Secretary may under that subsection enter into an agreement with the Trust for Nature (Victoria). **S. 69(3) inserted by No. 96/1994 s. 49(1), amended by Nos 38/1995 s. 20(a), 76/1998 s. 3(1)(t).**
- (4) If land is to be granted under Division 3 of Part 3 of the **Traditional Owner Settlement Act 2010** in accordance with a land agreement under that Act, the Secretary may enter into an agreement under subsection (1) with a traditional owner group entity to whom the land is to be granted before the granting of the land, if the agreement provides that it comes into effect on the grant of the land. **S. 69(4) inserted by No. 62/2010 s. 95.**
- (5) In this section *traditional owner group entity* has the same meaning as in Part 8A. **S. 69(5) inserted by No. 62/2010 s. 95.**
- 70 Content of agreements** **S. 70 amended by No. 96/1994 s. 49(2)(a)–(c).**
- (1) An agreement may contain any of the following terms—
- (a) restricting the use of the land;
 - (b) requiring the land owner to refrain from activity, or activity of a specified kind, that would adversely affect the land or imposing conditions upon which any such activity takes place;
 - (c) requiring the land owner to carry out, or requiring the Secretary to carry out, specified works for the management, use, development, preservation or conservation of flora and fauna upon the land; **S. 70(1)(c) amended by No. 76/1998 s. 3(1)(t).**

Conservation, Forests and Lands Act 1987
No. 41 of 1987
Part 8—Land management co-operative agreements

- S. 70(1)(d)**
amended by
No. 76/1998
s. 3(1)(t).
- (d) requiring the land owner to permit the Secretary to inspect the land;
- S. 70(1)(e)**
amended by
No. 76/1998
s. 3(1)(t).
- (e) requiring the land owner to indemnify the Secretary in respect of, or contribute towards, the cost incurred by the Secretary in carrying out works in respect of the land;
- S. 70(1)(f)**
amended by
No. 76/1998
s. 3(1)(t).
- (f) specifying the manner in which a grant, loan or other assistance provided by the Secretary must be applied by the land owner;
- S. 70(1)(g)**
amended by
No. 76/1998
s. 3(1)(t).
- (g) requiring the land owner to repay any amount paid to the land owner by the Secretary on terms and conditions (including terms and conditions as to interest) specified in the agreement;
- S. 70(1)(h)**
amended by
No. 76/1998
s. 3(1)(t).
- (h) requiring the land owner to pay to the Secretary an amount specified in the agreement if on the land owner's part there is a breach of a kind specified in the agreement;
- (i) requiring that the land owner allow public access to and across the land of the land owner;
- S. 70(1)(j)**
amended by
No. 76/1998
s. 3(1)(t).
- (j) requiring the land owner to obtain insurance to indemnify the Secretary against specified activities in relation to the land of the land owner, to insure against liabilities and actions in tort in relation to the land of the land owner and to obtain other forms of insurance or assurance that are specified in the agreement;
- S. 70(1)(k)**
amended by
No. 76/1998
s. 3(1)(t).
- (k) requiring that the Secretary provide the land owner with advice, financial or other assistance including compensation for loss of income arising out of the performance of the agreement;

- (l) requiring that the whole or part of the land of the land owner be a flora or fauna sanctuary;
- (m) requiring the Secretary to pay to the land owner an amount representing the whole or a part of any rates paid or payable in respect of the land; **S. 70(1)(m) amended by No. 76/1998 s. 3(1)(t).**
- (ma) providing that in the case of an agreement with the Trust for Nature (Victoria), the land to which the agreement applies is to be managed as if it were Crown land, and for the application to that land of any Act, subordinate instrument or other law relating to Crown land; **S. 70(1)(ma) inserted by No. 96/1994 s. 49(2)(b), amended by No. 38/1995 s. 20(b).**
- (n) providing for any other matter (whether like or unlike any of the foregoing) relating to the management, use, development, preservation or conservation of the land or that are necessary to be provided for to give effect to the objects or purposes of a relevant law.
- (2) An agreement entered into with the Trust for Nature (Victoria) under section 69(1) does not authorise the doing of anything which would not be consistent with any trust, condition, covenant or other restriction relating to the use of that land. **S. 70(2) inserted by No. 96/1994 s. 49(2)(c), amended by No. 38/1995 s. 20(c).**

71 Form and operation of agreement

- (1) An agreement entered into under this Part—
- (a) must be under the seal of the Secretary; and **S. 71(1)(a) amended by No. 76/1998 s. 3(1)(t).**
- (b) is binding on, and enforceable by or against the land owner and the Secretary; and **S. 71(1)(b) amended by No. 76/1998 s. 3(1)(t).**

S. 71(4)
amended by
No. 76/1998
s. 3(1)(t).

- (c) comes into effect on a day or on the happening of an event specified in the agreement.
- (2) An agreement may be expressed to be binding on a land owner's successors in title.
- (3) If an agreement is expressed to be binding on a land owner's successors in title a reference in this Part to a land owner or a party to an agreement includes the land owner's successors in title.
- (4) If an agreement relates to land alienated by the Crown and is made between the Secretary and a person who is not the owner of the fee or the registered proprietor of the land (as the case requires), the agreement has no effect unless and until the person who is the owner of the fee or who is the registered proprietor gives written notice of the approval of the agreement to the Secretary and, despite anything in this section, or the agreement, comes into operation on the date when that notice is given.
- (5) An agreement must not include a term to the effect that the agreement is binding on a land owner's successors in title unless the owner of the fee of the land or the registered proprietor of the land (as the case requires) is a party to the agreement, whether or not another land owner is also a party.
- (6) Subsections (4) and (5) do not apply to an agreement relating to land licensed under Part 3A of the **Victorian Plantations Corporation Act 1993**.

S. 71(6)
inserted by
No. 35/1998
s. 13(3).

72 Agreements binding on successors

- (1) If an agreement in respect of land other than vested land is expressed to be binding on a land owner's successors in title, the Secretary must as soon as practicable after entering into the agreement apply in writing to the Registrar of Titles to have a recording of the agreement made in the Register and on receiving that application, the Registrar of Titles must make that recording in the Register.
- S. 72(1) amended by Nos 18/1989 s. 13(Sch. 2 item 18(a)), 35/1998 s. 13(4), 76/1998 s. 3(1)(t), substituted by No. 85/1998 s. 24(Sch. item 12.2) (as amended by No. 76/1998 s. 15).
- (1A) When an agreement in relation to vested land is expressed to be binding on a land owner's successors in title, the Secretary must as soon as practicable after entering into the agreement apply in writing to the registrar under Part 3A of the **Victorian Plantations Corporation Act 1993** to register that agreement in the register of plantations and on receiving that application, the registrar must register that agreement.
- S. 72(1A) inserted by No. 35/1998 s. 13(5), amended by No. 76/1998 s. 3(1)(t).
- (2) On the recording of the agreement in the Register—
- S. 72(2) amended by Nos 18/1989 s. 13(Sch. 2 item 18(b)), 85/1998 s. 24(Sch. item 12.3).
- (a) the land owner's successors in title are deemed to have notice of that agreement; and
- (b) all rights and liabilities under that agreement are binding on and enforceable by or against the land owner's successors in title and run with the land.
- (2A) On the registration of an agreement in accordance with subsection (1A)—
- S. 72(2A) inserted by No. 35/1998 s. 13(6).
- (a) the land owner's successors in title are deemed to have notice of the agreement; and

(b) all rights and liabilities under that agreement are binding on and enforceable by or against the land owner's successors in title.

S. 72(3)
amended by
Nos 18/1989
s. 13(Sch. 2
item 18(c)),
35/1998
s. 13(7),
76/1998
s. 3(1)(t),
substituted by
No. 85/1998
s. 24(Sch.
item 12.4) (as
amended by
No. 76/1998
s. 15).

(3) If an agreement relating to land other than vested land is varied or terminated under this Part, the Secretary must as soon as practicable apply in writing to the Registrar of Titles to make any amendments to or recordings in the Register that are necessary because of the variation or termination of the agreement and on receiving that application, the Registrar of Titles must make the necessary amendments or recordings in the Register.

S. 72(3A)
inserted by
No. 35/1998
s. 13(8),
amended by
No. 76/1998
s. 3(1)(t).

(3A) When an agreement in respect of vested land is varied or terminated, the Secretary must without delay apply in writing to the registrar under Part 3A of the **Victorian Plantations Corporation Act 1993** to delete the record of the agreement from, or amend the record of the agreement in, the register of plantation licences and on receiving that application, the registrar must make the necessary amendments to the register.

(4) A land owner may make application to the Supreme Court for an order declaring that an agreement is no longer in force.

(5) The Court may make an order on an application under subsection (4) if it is satisfied that—

(a) the agreement is no longer in force; or

(b) the agreement has been varied so that it is no longer binding on a land owner's successors;
or

(c) the agreement is redundant or obsolete or has achieved its purpose or performance or continued performance of the agreement is, or has become, impossible.

* * * * * S. 72(6)
repealed by
No. 85/1998
s. 24(Sch.
item 12.5).

(7) If a land owner applies to the Registrar of Titles in an appropriate approved form and produces a copy of an order under subsection (5) the Registrar must make the necessary amendments or recordings in the Register.

S. 72(7)
amended by
Nos 18/1989
s. 13(Sch. 2
item 18(d)),
85/1998
s. 24(Sch.
item 12.6).

(8) If a land owner of vested land applies to the registrar under Part 3A of the **Victorian Plantations Corporation Act 1993** and produces a copy of an order under subsection (5) in respect of the vested land, the registrar must make the necessary amendments in the register of plantation licences.

S. 72(8)
inserted by
No. 35/1998
s. 13(9).

(9) The amendment of this section by section 24 of the **Transfer of Land (Single Register) Act 1998** does not affect the operation, effect or enforcement of an agreement registered under the **Property Law Act 1958** and existing immediately before the commencement of that section 24.

S. 72(9)
inserted by
No. 85/1998
s. 24(Sch.
item 12.7).

73 Wildlife sanctuaries

If an agreement provides that the whole or part of the land is to be a flora and fauna sanctuary it is a sanctuary for the purposes of the **Wildlife Act 1975** while that provision of the agreement is in force.

S. 74
amended by
No. 76/1998
s. 3(1)(f).

74 Public access to certain land

For the purposes of Part IIA of the **Wrongs Act 1958** the Secretary is to be treated as the occupier of land to which an agreement relates and to which, under that agreement, the public have access, unless the agreement otherwise provides.

75 Rate relief

- (1) If under an agreement a land owner is required to preserve land in its natural present state and in the Minister's opinion it is not economically feasible to do so unless rate relief in respect to the land is provided, the Minister may recommend to a rating authority that the whole or part of the rates payable in respect to the land be remitted.
- (2) On receiving a recommendation in accordance with subsection (1) the rating authority may remit the rates in accordance with the recommendation.
- (3) The Minister may if the Minister thinks fit reimburse (out of moneys available for the purpose) the whole or part of the amount of the rates remitted to the rating authority which under this section remitted the rate.

S. 75(3)
amended by
No. 31/1994
s. 3(Sch. 1
item 12.2).

76 Variation or termination of agreements

- (1) An agreement may be varied or terminated—
 - (a) by agreement between the Secretary and the land owner; or
 - (b) in the manner or in the circumstances provided for in the agreement; or
 - (c) by order of the Minister; or
 - (d) by order of the Victorian Civil and Administrative Tribunal; or

S. 76(1)(a)
amended by
No. 76/1998
s. 3(1)(f).

S. 76(1)(d)
amended by
No. 52/1998
s. 311(Sch. 1
item 15.1(a)).

(e) by order of the Supreme Court under section 72.

(2) If the Secretary and the land owner cannot agree to vary or terminate an agreement either of them may apply to the Minister, and the Minister may by order—

S. 76(2)
amended by
No. 76/1998
s. 3(1)(f).

(a) vary the agreement in ways stated in the order; or

(b) terminate the agreement—

if the Minister is satisfied that the continuance of the agreement in its present form would be harsh or oppressive.

(3) A party to an agreement may apply to the Victorian Civil and Administrative Tribunal for review of a decision by the Minister—

S. 76(3)
amended by
No. 52/1998
s. 311(Sch. 1
item 15.1(b)).

(a) refusing to vary or terminate an agreement; or

(b) varying or terminating an agreement.

(3A) An application for review must be made within 28 days after the later of—

S. 76(3A)
inserted by
No. 52/1998
s. 311(Sch. 1
item 15.2).

(a) the day on which the decision is made;

(b) if, under the **Victorian Civil and Administrative Tribunal Act 1998**, the party requests a statement of reasons for the decision, the day on which the statement of reasons is given to the party or the party is informed under section 46(5) of that Act that a statement of reasons will not be given.

(4) Section 72(6) and (7) apply where an order is made by the Minister or the Tribunal as if those provisions refer to a party to the agreement instead of the land owner.

S. 76(4)
amended by
No. 52/1998
s. 311(Sch. 1
item 15.3).

77 Remedies for breach of agreement

- (1) A party to an agreement has the same remedies and rights of action for breach of the agreement as the party would have for breach of contract, and as well as the other damages which it may award, a court may award punitive damages for breach of an agreement.
- (2) Damages must not be awarded against the land owner for breach of the agreement unless the breach arose from an intentional or reckless act or omission on the part of the land owner.
- (3) In assessing damages for breach of an agreement by the land owner, a court must have regard to—
 - (a) any detriment to the public interest resulting from the breach; and
 - (b) any financial or other benefit that the owner sought to gain by committing the breach; and
 - (c) any other matter it considers relevant.
- (4) A court may order a land owner to restore the land to its prior condition or to a condition as close as possible to the prior condition, in addition to any other order which it may make in proceedings for breach of the agreement.

S. 78
amended by
No. 76/1998
s. 3(1)(t).

78 Injunctions

The Secretary may apply to a court of competent jurisdiction for an injunction restraining a land owner from breaching an agreement or from contravening an order under section 77.

79 Amount due to Secretary is a charge on land

- (1) If—
 - (a) an agreement specifies an amount to be repaid by the land owner to the Secretary; or

S. 79(1)(a)
amended by
No. 76/1998
s. 3(1)(t).

- (b) an agreement specifies an amount that becomes due to the Secretary upon default of the land owner and the land owner is in default under the agreement; or
- (c) an amount is awarded against a land owner as damages for breach—
that amount is until recovered a charge on the land of the land owner.
- (2) Land is so charged when the Secretary deposits with the Registrar of Titles a certificate under seal describing the land to be charged and stating the amount of the charge.
- * * * * *
- (4) The Registrar of Titles must make in the Register a recording of the certificate lodged under this section.
- (5) The Secretary must notify the land owner in writing that—
- (a) its certificate has been deposited under this section; and
- (b) the land is charged with the amount stated in the notice.

S. 79(1)(b)
amended by
No. 76/1998
s. 3(1)(t).

S. 79(2)
amended by
No. 76/1998
s. 3(1)(t),
substituted by
No. 85/1998
s. 24(Sch.
item 12.8) (as
amended by
No. 76/1998
s. 15).

S. 79(3)
repealed by
No. 85/1998
s. 24(Sch.
item 12.9).

S. 79(4)
amended by
No. 18/1989
s. 13(Sch. 2
item 18(e)).

S. 79(5)
amended by
No. 76/1998
s. 3(1)(t).

S. 79(6)
amended by
Nos 18/1989
s. 13(Sch. 2
item 18(f)),
76/1998
s. 3(1)(t),
substituted by
No. 85/1998
s. 24(Sch.
item 12.10) (as
amended by
No. 76/1998
s. 15).

- (6) When an amount due is paid or recovered the Registrar of Titles must, if so required by the Secretary, delete the recording of the charge from the Register or make a recording in the Register of the payment or recovery of the charge.

S. 79(7)
amended by
Nos 76/1998
s. 3(1)(t),
85/1998
s. 24(Sch.
item 12.11).

- (7) If—
- (a) a charge under this section has been registered over land for at least 12 months; and
 - (b) an amount is owing under the charge; and
 - (c) the Secretary—
 - (i) has attempted, but has failed to recover the amount owing under the charge; or
 - (ii) has made the prescribed inquiries (if any) and all reasonable attempts to locate the land owner and believes that the land owner cannot be found—

the Secretary may serve a notice of intention to sell the land.

S. 79(7)(c)
amended by
No. 76/1998
s. 3(1)(t).

- (8) A notice under subsection (7) must—
- (a) be in writing in the prescribed form; and
 - (b) be served by—
 - (i) displaying a copy of the notice on the land of the land owner not less than one month before the intended sale; and
 - (ii) publishing a copy of the notice once in a newspaper circulating generally in the area in which the land is located and

once in a newspaper circulating generally in the municipal district of the Melbourne City Council, not less than one month before the intended sale.

- (8A) If the land to be sold is not under the **Transfer of Land Act 1958**, it must be brought under that Act before it is sold. **S. 79(8A) inserted by No. 85/1998 s. 24(Sch. item 12.12).**
- (9) Section 77 of the **Transfer of Land Act 1958** applies to the sale as if—
- (a) the charge were a registered first mortgage, registered in priority to other registered encumbrances; and
 - (b) the Secretary were a mortgagee under that mortgage; and **S. 79(9)(b) amended by No. 76/1998 s. 3(1)(t).**
 - (c) the requirement relating to the giving of notice were deleted.
- * * * * *
- (11) This section does not apply in relation to vested land within the meaning of the **Victorian Plantations Corporation Act 1993**. **S. 79(10) amended by No. 76/1998 s. 3(1)(t), repealed by No. 85/1998 s. 24(Sch. item 12.14).**
S. 79(11) inserted by No. 35/1998 s. 13(10).

80 Information to be given to the public

- (1) The Secretary must cause notice of the making of an agreement to be published in the Government Gazette and in a newspaper circulating throughout Victoria and to be displayed in a conspicuous place on the land to which the agreement applies as soon as possible after the agreement is made. **S. 80(1) amended by No. 76/1998 s. 3(1)(u)(i).**

S. 80(2)
amended by
No. 76/1998
s. 3(1)(u)(i).

- (2) The Secretary may, with any assistance which the Secretary requires, enter land to which an agreement applies for the purpose of causing a notice to be displayed in accordance with subsection (1).
- (3) A notice under subsection (1) must state where the agreement can be inspected and must contain any other prescribed information.

S. 80(4)
amended by
No. 76/1998
s. 3(1)(u)(i)(ii).

- (4) The Secretary must ensure that copies of an agreement are kept available for inspection by the public free of charge at the Secretary's principal office and at regional departmental offices which the Secretary considers appropriate, during office hours.

S. 80(5)
amended by
No. 76/1998
s. 3(1)(u)(i).

- (5) The Secretary must cause to be kept a register containing the prescribed information about agreements.
- (6) In this section *agreement* includes—
 - (a) an agreement varying or terminating a previous agreement; and
 - (b) an order varying or terminating an agreement.

81 Offences by third parties

- (1) If an agreement prohibits a land owner from doing an act of a kind specified in the agreement, a person who is not a party to the agreement must not do the act so prohibited, while the agreement is in force.

Penalty: 5 penalty units.

- (2) In proceedings for an offence under subsection (1) it is a defence if the person charged proves—
- (a) that—
 - (i) in respect of the agreement there has been a contravention of a provision of section 80; and
 - (ii) the person did not know of the existence of the agreement; or
 - (b) the act alleged to constitute the offence was expressly authorised by or under an Act.

82 Regulations

- (1) If an agreement provides that the public have access to the whole or part of the land to which the agreement relates, the Minister may make regulations for or with respect to any of the following—
- (a) the conduct of the public on that land;
 - (b) the preservation of good order on the land;
 - (c) the preservation care and protection of the land;
 - (d) services and facilities to be provided on the land, and the use of those services and facilities;
 - (e) the safety of the public while on the land;
 - (f) works and improvements on the land;
 - (g) fees and charges for entry to, or use of the land or any service or facility on the land;
 - (h) all matters which are necessary to be prescribed for giving effect to the terms of the agreement relating to public access to the land.

- (2) This section and the regulations made under it do not limit the rights, powers, privileges and liabilities which, apart from this section, the land owner has in relation to the land and the use and enjoyment of the land.

S. 82(3)
repealed by
No. 101/1994
s. 65.

* * * * *

- (4) The Minister must publish in the Government Gazette regulations made under this section and any regulations amending or regulating those regulations.

S. 82(5)
amended by
No. 51/2016
s. 6.

- (5) A person (other than the land owner) who contravenes the regulations under this section is guilty of an offence.

Penalty: 20 penalty units.

**Part 8A—Traditional Owner Land
Management Boards**
Division 1—Definitions

Pt 8A
(Headings
and ss 82A–
82R)
inserted by
No. 82/2009
s. 38.

82A Definitions

S. 82A
inserted by
No. 82/2009
s. 38.

In this Part—

aboriginal title has the same meaning as in the
Traditional Owner Settlement Act 2010;

S. 82A def. of
aboriginal title
inserted by
No. 62/2010
s. 96(e).

appointed land, in relation to a Traditional Owner
Land Management Board, means the public
land in relation to which the Board is
appointed under this Part;

joint management plan, in relation to appointed
land, means a management plan for that land
that has come into effect under section 82PI,
whether or not varied under section 82PJ;

S. 82A def. of
*joint
management
plan*
inserted by
No. 62/2010
s. 96(e).

public land means the following—

S. 82A def. of
public land
substituted by
No. 62/2010
s. 96(b).

- (a) land under the **Crown Land
(Reserves) Act 1978**, other than land
under the **Alpine Resorts Act 1983**;
- (b) land in any park within the meaning of
the **National Parks Act 1975**;
- (c) reserved forest within the meaning of
the **Forests Act 1958**;
- (d) unreserved Crown land under the **Land
Act 1958**;

- (e) land in any Nature Reserve or State Wildlife Reserve, within the meaning of the **Wildlife Act 1975**, other than land in a State Game Reserve (within the meaning of that Act);
- S. 82A def. of *recognition and settlement agreement* inserted by No. 62/2010 s. 96(e). ***recognition and settlement agreement*** has the same meaning as in the **Traditional Owner Settlement Act 2010**;
- S. 82A def. of *relevant land Minister* amended by No. 62/2010 s. 96(a). ***relevant land Minister***, in relation to public land, means the Minister administering the Act under which the land is managed;
- S. 82A def. of *traditional owner group* substituted by No. 62/2010 s. 96(c). ***traditional owner group*** has the same meaning as in the **Traditional Owner Settlement Act 2010**;
- S. 82A def. of *traditional owner group entity* substituted by No. 62/2010 s. 96(d). ***traditional owner group entity*** has the same meaning as in the **Traditional Owner Settlement Act 2010**;
- S. 82A def. of *traditional owner land management agreement* inserted by No. 62/2010 s. 96(e), amended by No. 29/2011 s. 3(Sch. 1 item 16.1). ***traditional owner land management agreement*** means an agreement under section 82P.

Division 2—Constitution of Traditional Owner Land Management Boards

82AB Role of Minister and Secretary where recognition and settlement agreement exists

S. 82AB
inserted by
No. 62/2010
s. 97.

- (1) If public land is land in respect of which there is in force a recognition and settlement agreement, the Minister in carrying out any function, duty or power under this Part must take all reasonable steps to give effect to any traditional owner land management agreement entered into in accordance with the recognition and settlement agreement.
- (2) If public land is land in respect of which there is in force a recognition and settlement agreement, the Secretary in carrying out any function, duty or power under this Part must take all reasonable steps to give effect to any traditional owner land management agreement entered into in accordance with the recognition and settlement agreement.

82B Power of Minister to establish Traditional Owner Land Management Board

S. 82B
inserted by
No. 82/2009
s. 38.

- (1) The Minister, by determination, may establish a Traditional Owner Land Management Board for any public land.
- (1A) If the Minister is establishing a Traditional Owner Land Management Board to give effect to a recognition and settlement agreement, the Minister must state this in the determination under subsection (1).
- (2) Before establishing a Board under subsection (1), if the Minister is not the relevant land Minister for the public land, the Minister must obtain the consent of the relevant land Minister.
- (3) In establishing a Board under subsection (1), the Minister must have regard to any agreement entered into under Division 5.

S. 82B(1A)
inserted by
No. 62/2010
s. 98(1).

S. 82B(5)(ba)
inserted by
No. 62/2010
s. 98(2).

- (4) A determination under subsection (1) must be published in the Government Gazette and has effect on its publication.
- (5) A determination under subsection (1) must—
 - (a) specify the land in relation to which the Board is appointed; and
 - (b) describe the role that the Board is to undertake in relation to the land; and
 - (ba) for the purposes of section 82PA, specify the manner of the making of subsequent joint management plans and the timing of the making of the plans; and
 - (c) describe the functions, powers and duties that the Board is to have under this or any other Act.

Note

Functions, powers and duties that the Board is to have may be those conferred by way of agreement under the **Crown Land (Reserves) Act 1978**, the **National Parks Act 1975**, the **Forests Act 1958**, the **Land Act 1958** or the **Wildlife Act 1975** or those delegated to the Board under this Part.

S. 82BA
inserted by
No. 62/2010
s. 99.

82BA Revocation of appointment of committee of management

S. 82BA(1)
amended by
No. 29/2011
s. 3(Sch. 1
item 16.2).

- (1) On the establishment of a Traditional Owner Land Management Board for any public land, if the land is land in respect of which a committee of management is appointed, the appointment of the committee of management is revoked, despite anything to the contrary in the Act under which the committee of management has been appointed.
- (2) The revocation of the appointment of a committee of management under subsection (1) is not to be taken to affect any lease, licence, or agreement issued or granted by that committee over the land

under the Act, that is in force immediately before the revocation of the appointment.

- (3) In the case of any lease, licence or agreement to which subsection (2) applies (other than a lease granted under section 17D of the **Crown Land (Reserves) Act 1978**), the Secretary is taken to be substituted for the committee of management as a party to the lease, licence or agreement.
- (4) In the case of any lease under section 17D of the **Crown Land (Reserves) Act 1978** to which subsection (2) applies, the Minister is taken to be substituted for the committee of management as a party to the lease.

82C Status of Traditional Owner Land Management Boards

S. 82C
inserted by
No. 82/2009
s. 38.

- (1) A Traditional Owner Land Management Board—
 - (a) is a body corporate with perpetual succession; and
 - (b) has an official seal; and
 - (c) may sue and be sued; and
 - (d) may acquire, hold and dispose of personal property, and may acquire, hold and dispose of leases or subleases in real property; and
 - (e) may do and suffer all acts and things that a body corporate may, by law, do and suffer.
- (2) All courts must take judicial notice of the seal of a Traditional Owner Land Management Board affixed to a document and, until the contrary is proved, must presume that it was duly affixed.
- (3) The official seal of a Traditional Owner Land Management Board must be kept in that custody that the Board directs and must not be used except as authorised by the Board.

S. 82D
inserted by
No. 82/2009
s. 38.

82D Application of Public Administration Act 2004

The **Public Administration Act 2004** applies to any Traditional Owner Land Management Board as if that Board were a public entity, but not a small entity, within the meaning of that Act, established on or after the commencement of Part 5 of that Act.

S. 82E
inserted by
No. 82/2009
s. 38.

82E Objective of Traditional Owner Land Management Boards

A Traditional Owner Land Management Board is established with the objective of enabling the knowledge and culture of the traditional owner group of the appointed land to be recognised in the management of the land.

S. 82F
inserted by
No. 82/2009
s. 38.

82F Variation of role etc. of Traditional Owner Land Management Board

- (1) The Minister may, by determination—
 - (a) vary the public land in relation to which, under section 82B(5)(a), a Traditional Owner Land Management Board is appointed;
 - (b) vary the role that the Board is to undertake in relation to the land;
 - (c) vary the functions, powers and duties that the Board is to have under this or any other Act whether by adding, amending or removing functions, powers or duties.
- (2) Before making a variation under subsection (1), if the Minister is not the relevant land Minister for the public land, the Minister must obtain the consent of the relevant land Minister.
- (3) In making a variation under subsection (1) the Minister must have regard to any agreement entered into under Division 5.

S. 82F(1)(b)
amended by
No. 62/2010
s. 100(a).

S. 82F(1)(c)
amended by
No. 62/2010
s. 100(b).

- (4) A determination under this section must be published in the Government Gazette and has effect on being published in the Government Gazette.

82FA Requirements for variation where recognition and settlement agreement applies

S. 82FA
inserted by
No. 62/2010
s. 101.

If a Traditional Owner Land Management Board has been appointed as part of giving effect to a recognition and settlement agreement, the Minister must not make a determination under—

- (a) section 82F(1)(a) or (b), or, subject to paragraph (b), section 82F(1)(c), unless the Minister has first obtained the consent of the traditional owner group entity;
- (b) section 82F(1)(c) to remove functions, powers or duties from the Board, unless the Minister has first consulted with the Board.

82G Abolition of Traditional Owner Land Management Board

S. 82G
inserted by
No. 82/2009
s. 38.

- (1) The Minister may, by determination, abolish a Traditional Owner Land Management Board.
- (2) The Minister must not abolish a Board under subsection (1) unless the Minister has first consulted with the traditional owner group entity of the appointed land.
- (3) Before abolishing a Board under subsection (1), if the Minister is not the relevant land Minister for any of the appointed land, the Minister must consult with the relevant land Minister.
- (4) In abolishing a Board under subsection (1) the Minister must have regard to any agreement entered into under Division 5.

- (5) A determination under this subsection must be published in the Government Gazette and has effect on being published in the Government Gazette.
- (6) Schedule 4 has effect with respect to any determination under this section.

S. 82GA
inserted by
No. 62/2010
s. 102.

82GA Requirements for abolition where recognition and settlement agreement applies

- (1) If a Traditional Owner Land Management Board has been appointed as part of giving effect to a recognition and settlement agreement, the Minister must not make a determination under section 82G unless—
 - (a) the Minister is satisfied that the Board has substantially failed to perform the powers, duties and functions conferred on the Board by or under this or any other Act; or
 - (b) the Minister has the agreement of the traditional owner group entity to the abolition of the Board.
- (2) Before making a decision under subsection (1), the Minister must—
 - (a) advise the Board that there is a proposal to abolish the Board and the reasons for that proposal; and
 - (b) allow the Board or its representative a reasonable opportunity to make written or oral submissions to the Minister.
- (3) In making a decision under subsection (1) the Minister must have regard to any submissions made by the Board under section (2)(b).

Division 3—Functions, powers and duties of Traditional Owner Land Management Boards

82H Functions of Traditional Owner Land Management Boards

S. 82H
inserted by
No. 82/2009
s. 38.

A Traditional Owner Land Management Board has the following management functions in respect of the appointed land—

- (a) those management functions that are conferred on the Board by agreement under the Act under which the appointed land for the Board is managed;
- (b) those management functions that are delegated to the Board by a person or body who has those management functions in relation to the appointed land of the Board;
- (c) those functions that are conferred on the Board under Division 5A.

S. 82H(b)
amended by
No. 62/2010
s. 103(a).

S. 82H(c)
inserted by
No. 62/2010
s. 103(b).

82I Powers and duties of Traditional Owner Land Management Boards

S. 82I
inserted by
No. 82/2009
s. 38.

- (1) A Traditional Owner Land Management Board—
 - (a) if so specified by the Minister in a determination under this Part, may do the following in accordance with any specification of the Minister in the determination—
 - (i) employ staff, including an executive officer to be responsible to the Board for implementing the decisions of the Board;
 - (ii) enter into an arrangement or agreement with another person or body for the carrying out of any of its functions or duties;

- (iii) subject to this Part, carry out works on the appointed land;
 - (iv) delegate any of its functions, powers or duties to a member of the Board or an employee of the Board;
 - (b) may act as a delegate or agent of a person or body who has management functions, powers or duties in relation to the appointed land, when so appointed by that person or body;
 - (c) may do all things that are necessary and convenient to be done for or in connection with carrying out its functions, powers or duties.
- (2) A Traditional Owner Land Management Board has the duties that are conferred on the Board, by agreement, or by or under this or any other Act, or are delegated to the Board.

S. 82J
inserted by
No. 82/2009
s. 38.

82J Functions, powers and duties to be carried out in accordance with relevant Act

Any function, power or duty that a Traditional Owner Land Management Board has is subject to the provisions of the Act under which the appointed land is managed.

Division 4—Description, membership and procedure

S. 82K
inserted by
No. 82/2009
s. 38.

82K Title

The Minister must specify the name of a Traditional Owner Land Management Board in the determination that establishes the Board.

82L Membership

In the determination establishing a Traditional Owner Land Management Board the Minister must specify—

- (a) the number of positions of membership of the Board; and
- (b) the method of appointment of the chairperson and deputy chairperson; and
- (c) the terms and conditions of individuals occupying positions of membership.

S. 82L
inserted by
No. 82/2009
s. 38.

82M Appointment and dismissal of members

- (1) The members of the Board are appointed by the Minister by determination published in the Government Gazette.
- (2) A member of the Board may be dismissed by the Minister by determination published in the Government Gazette.
- (3) In making appointments under this section, the Minister must ensure—
 - (a) that a majority of the positions of membership are occupied by persons nominated by the traditional owner group entity of the appointed land; and
 - (b) that the members of the Board have the qualifications, attributes, skills and experience that are relevant to the operations of the Board; and
 - (c) that at least one member of the Board is appointed on the nomination of the Secretary.
- (4) In dismissing a member of the Board under this section, the Minister must have regard to any agreement entered into under Division 5.

S. 82M
inserted by
No. 82/2009
s. 38.

S. 82M(3)(b)
amended by
No. 62/2010
s. 104(1)(a).

S. 82M(3)(c)
inserted by
No. 62/2010
s. 104(1)(b).

S. 82M(5)
inserted by
No. 62/2010
s. 105(2).

- (5) If a Traditional Owner Land Management Board has been appointed as part of giving effect to a recognition and settlement agreement, a member of that Board appointed on the nomination of the traditional owner group entity must not be dismissed under this section—
- (a) unless the Minister is satisfied as to one or more of the following—
 - (i) that the member has failed to act in good faith;
 - (ii) that the member has improperly used his or her position to gain advantage for himself or herself or another person;
 - (iii) that the member has caused detriment to the Board; or
 - (b) unless the traditional owner group entity so requests.

S. 82N
inserted by
No. 82/2009
s. 38.

82N Cessation of office of members

A member of the Board ceases to hold the office of member if the member—

- (a) resigns in writing addressed to the Minister;
or
- (b) dies; or
- (c) is dismissed by the Minister in accordance with section 82M(2); or
- (d) is absent from three consecutive meetings without approval of the Board to be so absent; or
- (e) becomes an insolvent under administration;
or
- (f) is convicted of an indictable offence.

82O Procedures

In the determination establishing a Traditional Owner Land Management Board the Minister must specify the following matters in relation to the procedures of the Board—

- (a) voting rights of the chairperson, deputy chairperson and members of the Board; and
- (b) any other matters as to the procedure and conduct of meetings and proceedings of the Board that the Minister considers necessary.

S. 82O
inserted by
No. 82/2009
s. 38.

Division 5—Agreements as to Traditional Owner Land Management Boards

82P Agreements as to the establishment etc. of Traditional Owner Land Management Boards

- (1) The Minister may enter into an agreement with a traditional owner group entity for any public land including any traditional owner group entity to which aboriginal title is to be granted or transferred or with any other relevant person for the purpose of facilitating any proposal—
 - (a) to establish a Traditional Owner Land Management Board for the land that is the subject of the agreement; or
 - (b) to vary the management functions, powers or duties of a Traditional Owner Land Management Board in relation to the land.
- (2) Before entering into an agreement under subsection (1), if the Minister is not the relevant land Minister for any of the public land that is the subject of the agreement, the Minister must obtain the consent of the relevant land Minister.

S. 82P
inserted by
No. 82/2009
s. 38.

S. 82P(1)
amended by
No. 62/2010
s. 105(a).

S. 82P(1)(a)
amended by
No. 62/2010
s. 105(b).

- (3) An agreement under subsection (1) may deal with any matters that are related or incidental to the establishment or operation of a Traditional Owner Land Management Board.

Pt 8A Div. 5A
(Heading and
ss 82PA–
82PJ)
inserted by
No. 62/2010
s. 106.

Division 5A—Joint management plans

S. 82PA
inserted by
No. 62/2010
s. 106.

82PA Joint preparation of management plans

- (1) The Traditional Owner Land Management Board for appointed land must, with the reasonable assistance and guidance of the Secretary, prepare a draft management plan for the appointed land.
- (2) Preparation of a plan under subsection (1) must be completed and agreement to the plan must take place—
- (a) in the case of the first plan after the commencement of this provision, within 3 years of the appointment of the Board or any later date determined by the Minister; or
 - (b) in the case of any subsequent plan at the times and in the manner specified in the determination establishing the Board under section 82B(5).

S. 82PB
inserted by
No. 62/2010
s. 106.

82PB Requirements of specific Acts as to management to apply

- (1) A management plan prepared under section 82PA must comply with the following subsections.
- (2) If appointed land under the plan is reserved forest under the **Forests Act 1958**, the management plan for that land must be consistent with—
- (a) the requirements of the **Forests Act 1958**;
and

- (b) the requirements of any regulations made under the **Forests Act 1958** in relation to the management of reserved forest; and
 - (c) the objectives of any Sustainability Charter in force in relation to the land under section 11 of the **Sustainable Forests (Timber) Act 2004**.
- (3) If appointed land under the plan is land that is part of a park under the **National Parks Act 1975**, the management plan for that land must be consistent with—
 - (a) the objects of the **National Parks Act 1975** and the requirements of the **National Parks Act 1975**; and
 - (b) the requirements of any regulations made under the **National Parks Act 1975** in relation to the management of parks under that Act.
- (4) If appointed land under the plan is land reserved under the **Crown Land (Reserves) Act 1978**, the management plan for that land must be consistent with—
 - (a) the purposes for which the land is reserved under the **Crown Land (Reserves) Act 1978**; and
 - (b) the requirements of any regulations made under the **Crown Land (Reserves) Act 1978** in relation to the management of reserved land under that Act.
- (5) If appointed land under the plan is part of a State Wildlife Reserve or Nature Reserve under the **Wildlife Act 1975**, the management plan for that land must be consistent with—
 - (a) the requirements of the **Wildlife Act 1975**; and

- (b) the requirements of any regulations made under the **Wildlife Act 1975** in relation to the management of any such reserve.
- (6) If appointed land under the plan is land under the **Land Act 1958**, the management plan for that land must be consistent with—
 - (a) the requirements of the **Land Act 1958**; and
 - (b) the requirements of any regulations made under the **Land Act 1958** in relation to the management of land under that Act.

S. 82PC
inserted by
No. 62/2010
s. 106.

82PC Other requirements for management plans

Subject to section 82PB, a management plan may deal with any other matters that are agreed in a traditional owner land management agreement for the appointed land and that are relevant to the management of the land.

S. 82PD
inserted by
No. 62/2010
s. 106.

82PD Completion of preparation of management plan

- (1) For the purposes of section 82PA(2), preparation of a management plan is completed when both the Traditional Owner Land Management Board and the Secretary agree that preparation is completed.
- (2) For the purposes of completing preparation of a management plan the Secretary and the Traditional Owner Land Management Board must take all reasonable steps to consult with each other and provide advice to each other, during the course of preparing the plan.

S. 82PE
inserted by
No. 62/2010
s. 106.

82PE Notice of completed management plan

- (1) As soon as possible after completion of preparation of a management plan, either the Secretary or the Traditional Owner Land Management Board must publish a notice in a newspaper circulating generally in the area in which the plan applies.

- (2) A notice under subsection (1)—
- (a) must state that a management plan has been prepared and set out where the plan may be inspected;
 - (b) must state that written submissions may be made on the plan to the Secretary or the Traditional Owner Land Management Board within the time specified in the notice.

82PF Making and consideration of submissions

S. 82PF
inserted by
No. 62/2010
s. 106.

- (1) Any person may make written submissions on a completed management plan within the period specified in the notice of the plan under section 82PE.
- (2) The period of time for making submissions that may be specified in a notice under section 82PE must not be less than 2 months from the date of publication of the notice.
- (3) The Secretary and the Traditional Owner Land Management Board must consider any submission made on the completed management plan that were received by either person within the period specified in the notice under section 82PE.

82PG Agreement to management plan

S. 82PG
inserted by
No. 62/2010
s. 106.

- (1) For the purposes of section 82PA(2), a management plan is taken to be agreed to when, after consideration of submissions under section 82PF, both the Traditional Owner Land Management Board and the Secretary agree to the plan.
- (2) A plan agreed to under subsection (1) may contain variations to a completed plan made as a result of consideration of submissions under section 82PF.

S. 82PH
inserted by
No. 62/2010
s. 106.

82PH Approval of plan by Minister

- (1) The Secretary and the Traditional Owner Land Management Board may submit to the Minister for approval—
 - (a) a management plan agreed to under section 82PG; or
 - (b) a management plan, that is substantially similar to a management plan already in force in relation to the appointed land, that has been adopted by both the Secretary and the Traditional Owner Land Management Board; or
 - (c) a management plan prepared by the Secretary and the Traditional Owner Management Board, where sections 82PD, 82PE, 82PF and 82PG have not been complied with, if the Minister is satisfied that it is not necessary to comply with those sections.
- (2) On receiving an agreed management plan under subsection (1)(a) or (c), the Minister may approve the plan.
- (3) On receiving an adopted management plan under subsection (1)(b), the Minister may approve the plan, if the Minister is satisfied—
 - (a) that a substantially similar management plan is in force in relation to the appointed land; and
 - (b) that that plan has been the subject of a public consultation process, similar to that specified in this Division within the previous 3 years.

- (4) Before approving a management plan under this section, if the Minister is not the relevant land Minister for the land that is the subject of the plan, the Minister must obtain the consent of the relevant land Minister.

82PI Effect of plan

S. 82PI
inserted by
No. 62/2010
s. 106.

- (1) A management plan comes into effect on being approved by the Minister under section 82PH(2) or (3).
- (2) A management plan that has come into effect remains in effect—
- (a) until the plan is replaced by another management plan; or
 - (b) the Minister, after consulting with the Traditional Owner Land Management Board and the Secretary, revokes his or her approval of the plan, given under section 82PH.

82PJ Variation of joint management plan

S. 82PJ
inserted by
No. 62/2010
s. 106.

- (1) The Secretary and the Traditional Owner Land Management Board may submit a variation of a joint management plan to the Minister for approval.
- (2) The provisions of this Act applying to the preparation, completion, agreement to and approval of a joint management plan apply to a variation of a joint management plan as if a reference in those provisions to *management plan* were a reference to *variation of a management plan*.
- (3) A variation of a joint management plan comes into effect on being approved by the Minister under subsection (1).

- (4) Before approving a variation of a joint management plan under this section, if the Minister is not the relevant land Minister for the land that is the subject of the plan, the Minister must obtain the consent of the relevant land Minister.

Division 6—General

82Q Delegations to or in relation to Traditional Owner Land Management Boards

S. 82Q
inserted by
No. 82/2009
s. 38.

- (1) Where appointed land of a Traditional Owner Land Management Board is land under the **Crown Land (Reserves) Act 1978**, the **Forests Act 1958**, the **Land Act 1958**, the **National Parks Act 1975** or the **Wildlife Act 1975**, the relevant land Minister for the Act may, by instrument, delegate any of the Minister's functions, powers or duties under the Act to the Board or an employee of the Board for the purpose of the performance or exercise by the Board or employee of that function, power or duty in the course of carrying out duties under any agreement or arrangement relating to the management of the appointed land by the Traditional Owner Land Management Board.

S. 82Q(1)
amended by
No. 62/2010
s. 107(1).

- (2) Where appointed land of a Traditional Owner Land Management Board is land under the **Crown Land (Reserves) Act 1978**, the **Forests Act 1958**, the **Land Act 1958**, the **National Parks Act 1975** or the **Wildlife Act 1975**, the Secretary may, by instrument under seal, delegate any of the Secretary's functions, powers or duties under the Act to the Board or an employee of the Board for the purpose of the performance or exercise by the Board or employee of that function, power or duty in the course of carrying out duties under any

S. 82Q(2)
amended by
No. 62/2010
s. 107(2).

agreement or arrangement relating to the management of the appointed land by the Traditional Owner Land Management Board.

82R Describing land in determinations

Without limiting the use of any other means to describe land, a determination under this Part may describe land by reference to a plan signed by the Surveyor-General attached to the determination or lodged in the Central Plan Office.

S. 82R
inserted by
No. 82/2009
s. 38.

Part 9—Enforcement and general provisions

83 Appointment of authorised officers

S. 83(1)
amended by
Nos 90/1989
s. 4(a),
76/1998
s. 3(1)(v).

(1) The Secretary may appoint as authorised officers—

S. 83(1)(a)
amended by
Nos 46/1998
s. 7(Sch. 1),
76/1998
s. 3(1)(v).

(a) any specified employee or a specified class of employees employed by the Secretary, or in the Department or in the Public Service or (with the consent of the Minister administering that Department) in any Department of the Government of the Commonwealth, a State or a Territory; or

S. 83(1)(aa)
inserted by
No. 61/1993
s. 36(d).

(aa) a specified member of staff or specified class of members of staff of the Victorian Plantations Corporation; or

S. 83(1)(ab)
inserted by
No. 38/1995
s. 12(b).

(ab) for the purposes of this Part, a specified member of staff or specified class of members of staff of the Royal Botanic Gardens Board; or

S. 83(1)(ab)
inserted by
No. 106/1995
s. 51(a),
substituted as
s. 83(1)(ac) by
No. 48/2004
s. 129.

(ac) for the purposes of this Part, a specified member of staff or a specified class of members of staff of the Zoological Parks and Gardens Board; or

S. 83(1)(ad)
inserted by
No. 48/2004
s. 129.

(ad) a specified member of staff or a specified class of members of staff of VicForests; or

(b) any specified person or any specified class of persons.

Conservation, Forests and Lands Act 1987
No. 41 of 1987
Part 9—Enforcement and general provisions

- (2) An authorised officer may be appointed under subsection (1)—
- S. 83(2)
substituted by
No. 90/1989
s. 4(b).
- (a) for the purposes of all or any relevant laws;
and
- S. 83(2)(a)
substituted by
No. 87/1997
s. 44.
- (b) for the whole or part of Victoria.
- * * * * *
- S. 83(3)
amended by
No. 76/1998
s. 3(1)(v),
repealed by
No. 70/1998
s. 15(a).
- (4) The Secretary is an authorised officer for the purposes of each relevant law.
- S. 83(4)
amended by
No. 76/1998
s. 3(1)(v).
- (5) The Secretary must give to each authorised officer a certificate of appointment stating the relevant law for the purposes of which the person is appointed an authorised officer, whether the person is appointed for the whole or a part of Victoria and, if for a part of Victoria, specifying the part of Victoria for which the person is appointed.
- S. 83(5)
amended by
Nos 90/1989
s. 4(c),
76/1998
s. 3(1)(v).

Note

The **Game Management Authority Act 2014** also provides for the appointment of authorised officers for the purposes of all or any relevant laws—see Part 3 of that Act.

Note to s. 83
inserted by
No. 24/2014
s. 80.

84 Appointment of persons to perform certain functions of authorised officers

S. 84(1)
amended by
Nos 90/1989
s. 4(d)(i)(ii),
76/1998
s. 3(1)(w)(i).

(1) The Secretary may appoint—

S. 84(1)(a)
amended by
No. 76/1998
s. 3(1)(w)(i)(ii).

(a) any specified employee or a specified class of employees employed by the Secretary, or in the Department or in the Public Service or (with the consent of the Minister administering that Department) in any Department of the Government of the Commonwealth, a State or a Territory; or

S. 84(1)(aa)
inserted by
No. 61/1993
s. 36(e).

(aa) a specified member of staff or specified class of members of staff of the Victorian Plantations Corporation; or

(b) a specified person or a specified class of persons—

to perform any of the powers, functions or duties of authorised officers that are specified by the Secretary.

S. 84(2)
amended by
Nos 90/1989
s. 4(e),
76/1998
s. 3(1)(w)(i).

(2) When making an appointment under subsection (1) the Secretary may determine that the person or class of persons is to perform the powers functions and duties of authorised officers in the whole, or specified parts, of Victoria.

S. 84(3)
amended by
No. 76/1998
s. 3(1)(w)(i),
repealed by
No. 70/1998
s. 15(b).

* * * * *

85 Police officers to assist authorised officers

Police officers must assist an authorised officer at the request of that authorised officer in the execution of his or her functions.

S. 85
amended by
No. 37/2014
s. 10(Sch.
item 26.2).

86 Immunity of officers

Without affecting the liability of the Crown or any other body or person, a person cannot bring an action against an authorised officer or police officer, in respect of any act done in good faith in the performance or purported performance of the functions of the authorised officer or police officer under a relevant law.

S. 86
amended by
No. 37/2014
s. 10(Sch.
item 26.3).

87 Statement of authorised officer is evidence

A statement of an authorised officer as to—

- (a) the place where any offence occurred under a relevant law; or
- (b) the expense incurred by the Secretary or the Department in carrying out any works; or
- (c) the accuracy of any map, photograph or document—

S. 87(b)
amended by
No. 76/1998
s. 3(1)(x).

is evidence of that fact.

88 Certificate of Secretary is evidence

- (1) A certificate under the seal of the Secretary to the effect that—

S. 88(1)
amended by
No. 76/1998
s. 3(1)(x).

- (a) the person referred to in the certificate is an authorised officer; or
- (b) a person holds an authority on such terms and conditions as referred to in the certificate or does not hold an authority; or

S. 88(1)(b)
amended by
No. 96/1994
s. 50.

S. 88(1)(c)
inserted by
No. 96/1994
s. 50.

(c) a road or track on Crown land (including reserved forest) is or is not closed (whether temporarily or permanently) for the purposes of a relevant law—

is evidence of that fact.

S. 88(2)
amended by
No. 76/1998
s. 3(1)(x).

(2) In proceedings under a relevant law a certificate under the seal of the Secretary as to the value of property or the amount of cost charges or expenses incurred for the purposes of a relevant law is evidence and, in the absence of evidence to the contrary, is proof of the matters stated in the certificate.

S. 88(3)
amended by
No. 76/1998
s. 3(1)(x).

(3) A person cannot bring evidence disputing a statement in a certificate mentioned in subsection (2) in proceedings under a relevant law unless, at least 3 days before the hearing of the proceedings, the person has served on the Secretary written notice that the person intends to bring that evidence.

S. 88(4)
amended by
Nos 57/1989
s. 3(Sch.
item 27.2),
76/1998
s. 3(1)(x).

(4) The Secretary must cause a copy of a certificate mentioned in subsection (2) to be served with the charge-sheet, summons to answer to a charge or application in the proceedings.

- (5) In proceedings under a relevant law, as well as any other method of proof available—
- (a) evidence that a person is rated in respect of land or premises under a general rate of the municipality within which the land is or the premises are located; or
 - (b) the production of a certified copy of a Crown grant, certificate of title or registered instrument given under section 114(2) of the **Transfer of Land Act 1958** showing a person as the registered proprietor of an

estate in fee simple or a leasehold estate in land; or

- (c) the production of a certificate by the Registrar-General, or a deputy Registrar-General authorised under the seal of the Registrar-General, to the effect that a person appears from a memorial of any deed, conveyance or instrument to be the last registered owner of any land—

is evidence and, in the absence of evidence to the contrary, is proof that the person is the occupier or owner (as the case requires) of the land or premises.

- (6) On receiving a request from the Secretary for a certificate under subsection (5)(c) and stating that the certificate is required for the purpose of legal proceedings under a relevant law, and on payment of the prescribed fee (if any) the Registrar-General must give the certificate so requested.

S. 88(6)
amended by
No. 76/1998
s. 3(1)(x).

- (7) This section and section 89 apply to any matter in respect of which the Victorian Plantations Corporation has a function or power as if a reference in those provisions to the Secretary included a reference to that Corporation.

S. 88(7)
inserted by
No. 61/1993
s. 36(f),
amended by
No. 76/1998
s. 3(1)(x).

88A Certificates of identification

S. 88A
inserted by
No. 87/1997
s. 45.

- (1) In any legal proceedings for an offence against a relevant law, the production of a certificate purporting to be signed by a qualified person with respect to any analysis, examination or investigation made by that person, is, without—
- (a) proof of the signature of the person appearing to have signed the certificate; and

S. 88A(2)
amended by
No. 68/2009
s. 97(Sch.
item 24).

S. 88A(3)
amended by
No. 68/2009
s. 97(Sch.
item 24).

- (b) proof that the person appearing to have signed the certificate is a qualified person—
evidence and, in the absence of evidence to the contrary given in accordance with this section, proof of the facts and matters contained in it.
- (2) A copy of the certificate must be served on the accused at least 14 days before the hearing.
- (3) If the accused requires the qualified person to attend as a witness, the accused must give notice that he or she requires the witness to attend.
- (4) A notice under subsection (3)—
- (a) must be in writing; and
 - (b) must be given at least 7 days before the hearing to the qualified person and to the person who filed the charge; and
 - (c) may be given personally or by post.
- (5) Service of a copy of the certificate for the purposes of this section may be effected and proved—
- (a) in any manner in which service of a summons may be effected and proved; or
 - (b) where the certificate was served with the summons and proof of service of the summons is by affidavit, by stating in the affidavit that a copy of the certificate was served with the summons.

(6) In this section—

qualified person means a person who has been approved by the Secretary, in writing, as a person qualified to conduct an analysis, examination or investigation to which this section relates.

89 Injunctions

The Secretary may apply to a court of competent jurisdiction for an injunction restraining any person from contravening a relevant law or any condition of a works approval, authority or notice.

S. 89
amended by
No. 76/1998
s. 3(1)(x).

90 Offences by bodies corporate and partnerships etc.

S. 90
(Heading)
inserted by
No. 44/2001
s. 3(Sch.
item 22.1).

- (1) If a body corporate contravenes any provision of, or an authority or notice under, a relevant law the body corporate is liable to the penalty for that offence.
- (2) If the contravention was committed with the consent or connivance or because of the wilful neglect of an officer or a person purporting to be an officer of the body corporate, that officer or person is also guilty of that offence and liable to the penalty for that offence.
- (3) When in proceedings under a relevant law it is necessary to establish the intention of a body corporate, it is sufficient to show that a servant or agent of the body corporate had that intention.
- (4) In respect of any proceedings for an offence by a body corporate against a relevant law any statement made by an officer of the body corporate is admissible as evidence against the body corporate.

S. 90(1)
amended by
No. 44/2001
s. 3(Sch.
item 22.2).

S. 90(2)
amended by
No. 44/2001
s. 3(Sch.
item 22.2).

S. 90(3)
amended by
No. 44/2001
s. 3(Sch.
item 22.2).

S. 90(4)
amended by
No. 44/2001
s. 3(Sch.
item 22.2).

- (5) Where a relevant law provides that a person, being a partnership or unincorporated association is guilty of an offence, that reference to a person is—
- (a) in the case of a partnership—to be read as a reference to each member of the partnership; and
 - (b) in the case of an unincorporated association—to be read as a reference to each member of the committee of management of the association.
- (6) In this section—
- officer* of a body corporate has the same meaning as in section 82A of the Corporations Act.

S. 90(6) def. of *officer* substituted by No. 44/2001 s. 3(Sch. item 22.3).

91 Infringement notice

- (1) An authorised officer may serve an infringement notice on any person, if the authorised officer has reason to believe that the person has committed a prescribed offence against a relevant law.
- (2) An offence referred to in subsection (1) for which an infringement notice may be served is an infringement offence within the meaning of the **Infringements Act 2006**.
- (3) The penalty for the purposes of this section for a prescribed offence is the amount, not exceeding 10 penalty units, prescribed for that offence.
- (4) If a prescribed offence relates to the taking or destruction of forest produce and the infringement notice includes a copy of a certificate under the seal of the Secretary as to the amount (being an amount not exceeding the prescribed amount) which would have been payable if the forest

S. 91(2) substituted by No. 32/2006 s. 94(Sch. item 7(1)).

S. 91(3) amended by No. 69/2004 s. 57(1).

S. 91(4) amended by No. 76/1998 s. 3(1)(x).

produce had been taken in accordance with an authority issued under a relevant law, the penalty for the purposes of this section for that prescribed offence is the sum of the penalty determined in accordance with subsection (3) and the amount stated in that certificate.

(5) The Secretary may give a certificate for the purpose of subsection (4).

S. 91(5)
 amended by
 No. 76/1998
 s. 3(1)(x).

* * * * *

S. 92
 amended by
 No. 76/1998
 s. 3(1)(x),
 repealed by
 No. 32/2006
 s. 94(Sch.
 item 7(2)).

* * * * *

S. 93
 amended by
 Nos 57/1989
 s. 3(Sch.
 item 27.3),
 76/1998
 s. 3(1)(x),
 repealed by
 No. 32/2006
 s. 94(Sch.
 item 7(2)).

94 Parking infringements

Sections 59, 64, 65, 76, 77, 85–90, 99 and 100 of the **Road Safety Act 1986** and any regulations made for the purposes of those sections apply to—

S. 94
 amended by
 Nos 53/1989
 s. 22(2),
 61/1993
 s. 36(g)(ii),
 76/1998
 s. 3(1)(y)(i)(ii).

(a) Crown land, as if it were land vested in the Secretary; and

S. 94(a)
 amended by
 No. 76/1998
 s. 3(1)(y)(ii).

(b) land vested in or belonging to or under the control of the Secretary; and

S. 94(b)
 amended by
 Nos 61/1993
 s. 36(g)(i),
 76/1998
 s. 3(1)(y)(ii)(iii).

S. 94(c)
inserted by
No. 61/1993
s. 36(g)(i).

(c) freehold land, managed land or vested land within the meaning of the **Victorian Plantations Corporation Act 1993**—

so far as applicable and with such modifications as are necessary as if the land were a street or road, and in particular, with the modification that in the regulations any reference to a highway authority is to be read as including a reference to the Secretary or the Victorian Plantations Corporation (as the case requires).

95 False or misleading statements

(1) A person must not give to an authorised officer information which is false or misleading.

Penalty: 10 penalty units.

(2) In proceedings under subsection (1) it is a defence if the person charged proves that the person believed on reasonable grounds that the information was true or not misleading.

S. 95A
inserted by
No. 82/1990
s. 6.

95A Hindering or obstructing forest operations

(1) A person must not hinder or obstruct—

(a) another person in the lawful carrying out of forest operations; or

(b) the lawful carrying out of forest operations.

Penalty: 20 penalty units.

(2) In this section *forest operations* means—

(a) the taking of forest produce from Crown land; or

(b) activities taking place on Crown land and associated with that taking; or

S. 95A(2)(b)
amended by
No. 48/2004
s. 130(1)(a).

(c) the taking of timber resources from a State forest; or

S. 95A(2)(c)
inserted by
No. 48/2004
s. 130(1)(b).

- (d) an activity in a State forest associated with the taking of timber resources. **S. 95A(2)(d) inserted by No. 48/2004 s. 130(1)(b).**
- (3) In this section—
- Crown land*** includes freehold land, managed land and vested land within the meaning of the **Victorian Plantations Corporation Act 1993**;
- forest produce*** has the same meaning as it has in the **Forests Act 1958**;
- State forest*** has the same meaning as it has in the **Forests Act 1958**;
- timber resources*** has the same meaning as it has in the **Sustainable Forests (Timber) Act 2004**.

96 Proceedings for offences

- (1) An authorised officer or police officer or a person authorised generally or in a particular case by the Secretary or, if the matter concerns freehold land, managed land or vested land within the meaning of the **Victorian Plantations Corporation Act 1993**, by the Victorian Plantations Corporation may take—
- (a) proceedings for an offence against a relevant law;
- (aa) proceedings for an associated offence within the meaning of the **Fisheries Act 1995**; **S. 96(1)(aa) inserted by No. 69/2004 s. 57(2).**
- (b) other proceedings provided for in this Act;
- (c) proceedings on behalf of the Department or the Secretary.

S. 96(1A)
inserted by
No. 90/1989
s. 5(a).

(1A) If proceedings mentioned in subsection (1) are brought by a person authorised by that subsection to take those proceedings, the proceedings may be conducted before the court by any other person authorised by that subsection to take proceedings of that kind.

S. 96(2)
amended by
Nos 90/1989
s. 5(b),
76/1998
s. 3(1)(z).

(2) All courts must take judicial notice of the fact that the Secretary, an authorised officer or person has valid authority to take proceedings mentioned in subsection (1) or conduct proceedings under subsection (1A) as the case requires.

S. 96(3)
amended by
Nos 38/1995
s. 12(c),
106/1995
s. 51(b).

(3) This section does not limit the operation of section 46 of the **National Parks Act 1975**, section 50 of the **Royal Botanic Gardens Act 1991** or section 40 of the **Zoological Parks and Gardens Act 1995**.

97 Compensation

S. 97(1)
amended by
Nos 96/1994
s. 51(a),
76/1998
s. 3(1)(z).

(1) Without limiting section 86 of the **Sentencing Act 1991**, that section applies to an offence under a relevant law as if—

- (a) the reference in subsection (1) to property included a reference to—
 - (i) Crown land; and
 - (ii) any natural feature on Crown land; and
 - (iii) any road, structure, improvement, facility or thing on Crown land—

and also included a reference to property of the Secretary; and

S. 97(1)(b)
amended by
Nos 57/1989
s. 3(Sch. item
27.4(a)(b)),
76/1998
s. 3(1)(z),
65/2011
s. 107(Sch.
item 1).

- (b) subsection (1) also provided that, on the application of the Secretary and on being satisfied that the Secretary has incurred charges, costs or expenses because of the commission of the offence a court may order the person so convicted or released or made the subject of a community correction order

- to pay such compensation (not exceeding the amount of the charges, costs or expenses incurred) as the court thinks fit; and
- (c) the property or thing mentioned in paragraph (a) of this subsection belonged to the Secretary; and **S. 97(1)(c) amended by No. 76/1998 s. 3(1)(z).**
- (d) in subsection (1) the reference to any person suffering loss or destruction of or damage to property included a reference to the Secretary. **S. 97(1)(d) amended by No. 76/1998 s. 3(1)(z).**
- (2) Section 86 of the **Sentencing Act 1991** applies to an offence under a relevant law as if the reference to property in that section included— **S. 97(2) amended by No. 96/1994 s. 51(b).**
- (a) a reference to forest produce; and
- (b) a reference to wildlife within the meaning of the **Wildlife Act 1975**; and **S. 97(2)(b) amended by No. 92/1995 s. 162(1).**
- (c) a reference to fish or protected aquatic biota within the meaning of the **Fisheries Act 1995**. **S. 97(2)(c) inserted by No. 92/1995 s. 162(1).**
- (3) For the purpose of section 86 of the **Sentencing Act 1991** as applied by subsections (1) and (2)— **S. 97(3) amended by No. 96/1994 s. 51(a).**
- (a) if the property which has been lost, damaged or destroyed is forest produce a statement in a certificate under the seal of the Secretary as to the amount which the Secretary considers would have been payable by way of royalty if the forest produce had been taken in accordance with a licence granted under a relevant law is evidence of the value of the forest produce; and **S. 97(3)(a) amended by No. 76/1998 s. 3(1)(z).**

S. 97(3)(b)
amended by
No. 76/1998
s. 3(1)(z).

(b) in any other case, a statement in a certificate under the seal of the Secretary as to the value of the property lost damaged or destroyed or as to the amount of charges, costs or expenses incurred is evidence of the value of that property or that amount.

S. 97(4)
amended by
No. 96/1994
s. 51(a).

(4) If under section 86 of the **Sentencing Act 1991** a court may make an order for compensation in relation to an offence against a relevant law where the property lost damaged or destroyed is forest produce, the court instead of making that order, may order the forest produce to be forfeited to the Crown.

98 Action for damages

S. 98(1)
amended by
No. 76/1998
s. 3(1)(aa)(i).

(1) If because of a person's contravention of a relevant law—

(a) the Secretary incurs charges costs or expenses; or

(b) property is lost damaged or destroyed—

the Secretary may recover from that person in a court of competent jurisdiction damages for that contravention.

S. 98(2)
amended by
Nos 76/1998
s. 3(1)(aa)(i),
56/2003 s. 6.

(2) If in relation to property mentioned in subsection (3)(b), (c), (d), (e), (f) or (g) the Secretary would, if the Secretary owned or occupied the property, have an action for damages or be able to obtain other relief at law or in equity the Secretary may, on behalf of the Crown, recover those damages or obtain that relief by action in a court of competent jurisdiction.

(3) In subsection (1) *property* includes any of the following—

(a) property of the Secretary;

S. 98(3)(a)
amended by
No. 76/1998
s. 3(1)(aa)(i).

- (b) crown land;
 - (c) any natural feature on Crown land;
 - (d) any road structure improvement facility or thing on Crown land;
 - (e) forest produce;
 - (f) wildlife within the meaning of the **Wildlife Act 1975**;
 - (g) fish or protected aquatic biota within the meaning of the **Fisheries Act 1995**.
S. 98(3)(g)
inserted by
No. 92/1995
s. 162(2).
- (4) The Secretary may bring an action under subsection (1) or (2) whether or not the person has been charged with an offence in respect of the contravention of a relevant law.
S. 98(4)
amended by
No. 76/1998
s. 3(1)(aa)(i).
- (5) In proceedings under this section relating to property lost damaged or destroyed a court may award damages (not exceeding the value of the property lost damaged or destroyed) which it considers appropriate.
- (6) In proceedings under this section in relation to charges, costs and expenses incurred, a court may award damages (not exceeding the amount so incurred) which it considers appropriate.
- (7) The Secretary may recover damages in proceedings under this section even though the Secretary has suffered no actual loss or damage.
S. 98(7)
amended by
No. 76/1998
s. 3(1)(aa)(i).
- (8) In proceedings under this section—
- (a) if the property is forest produce, a statement in a certificate under the seal of the Secretary as to the amount which the Secretary considers would have been payable by way of royalty if the forest produce had been taken in accordance with a licence granted under a relevant law is evidence that the
- S. 98(8)(a)
amended by
No. 76/1998
s. 3(1)(aa)(i).

S. 98(8)(b)
amended by
No. 76/1998
s. 3(1)(aa)(i).

value of the forest produce is the amount specified in the statement; and

- (b) in any other case, a statement in a certificate under the seal of the Secretary as to the value which the Secretary considers to be the value of property or as to the amount of charges, costs or expenses incurred is evidence that the value of the property or amount is as stated in the certificate.

S. 98(9)
amended by
No. 76/1998
s. 3(1)(aa)(i).

- (9) If the Secretary seeks damages in respect of charges, costs or expenses incurred by the Secretary any damages awarded by the court must not exceed the amount of those charges, costs and expenses.

S. 98(10)
amended by
No. 76/1998
s. 3(1)(aa)(ii).

- (10) Nothing in this section affects the Secretary's right to apply for and obtain an order for compensation in accordance with section 97 in so far as the claim is not satisfied by recovery of damages under this section.

S. 98(11)
amended by
No. 76/1998
s. 3(1)(aa)(i).

- (11) Nothing in this section affects any right of action which the Secretary or any person has to recover damages.

S. 98(12)
inserted by
No. 61/1993
s. 36(j),
amended by
No. 76/1998
s. 3(1)(aa)(i).

- (12) This section also applies to freehold land, managed land and vested land within the meaning of the **Victorian Plantations Corporation Act 1993** as if it referred to the Victorian Plantations Corporation instead of the Secretary.

99 Regulations

- (1) The Governor in Council may make regulations for or with respect to any of the following matters—
- (a) any matter with respect to which a Code of Practice may provide, and generally giving effect to Codes of Practice;
- (b) prescribing forms;

- (c) prescribing fees;
 - (d) generally prescribing any other matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act.
- (2) The regulations—
- (a) may be of general or limited application; and
 - (b) may differ according to differences in time, place or circumstances; and
 - (c) may leave any matter to be approved or determined by a specified person or body or a specified class of persons or bodies; and
 - (d) may apply or incorporate by reference any documents mentioned in a Code of Practice or formulated in accordance with the regulations or any guidelines prepared under this Act; and
 - (e) may impose penalties not exceeding 10 penalty units for contravention of the regulations.

100 Governor in Council may amend Schedule 3

- (1) On the recommendation of the Minister the Governor in Council may by Order published in the Government Gazette amend Schedule 3 by—
 - (a) deleting an item from the Schedule; or
 - (b) amending an item in the Schedule; or
 - (c) adding an item to the Schedule.
- (2) If the interests of any other Minister may be affected by an amendment to Schedule 3 proposed to be made under this section, the Minister must before making a recommendation to the Governor in Council refer the proposed recommendation to the other interested Ministers.

Conservation, Forests and Lands Act 1987
No. 41 of 1987
Part 9—Enforcement and general provisions

S. 101
repealed by
No. 57/1989
s. 3(Sch.
item 27.5).

* * * * *

Part 10—Transitional provisions

*	*	*	*	*	Ss 102, 103 repealed by No. 96/1994 s. 52(e).
*	*	*	*	*	Ss 104, 105 repealed by No. 46/1998 s. 7(Sch. 1).
*	*	*	*	*	S. 106 repealed by No. 76/1998 s. 3(1)(ab).

107 References

In—

- (a) an Act other than this Act; or
- (b) a subordinate instrument made under an Act other than this Act; or
- (c) a document—

a reference—

- (d) to the Director-General of Conservation, Forests and Lands is at the commencement of this section to be treated as a reference to the body corporate established under Part 2 of this Act; and
- (e) to the Ministry for Conservation is at the date of commencement of this section to be treated as a reference to the Department; and
- (f) to a former authority is at the date of commencement of this section to be treated as a reference to the Director-General; and

S. 107
amended by
No. 96/1994
s. 52(d).

- (g) to an officer or employee of, or employed for the purposes of a former authority is at the date of commencement of this section to be treated as a reference to an officer or employee of, or employed for the purposes of, the Director-General; and
- (h) to a bailiff or a bailiff of Crown land is at the date of commencement of this section is to be treated as a reference to an authorised officer for the purposes of the **Land Act 1958**; and
- (i) to an inspector under the **Fisheries Act 1968** is at the date of commencement of this section to be treated as a reference to an authorised officer for the purposes of the **Fisheries Act 1968**; and
- (j) to a forest officer is at the date of commencement of this section to be treated as a reference to an authorised officer for the purposes of the **Forests Act 1958**; and
- (k) to a wildlife officer is at the date of commencement of this section to be treated as a reference to an authorised officer for the purposes of the **Wildlife Act 1975**.

108 Staff

- (1) The persons who immediately before the date of commencement of this section held office under the **Public Service Act 1974** for the purposes of a relevant law, being a law under which a former authority was established, continue from the date of commencement of this section and subject to the **Public Service Act 1974** to be officers for the purposes of that relevant law.

- (2) The persons who immediately before the date of commencement of this section were officers and employees under the **Public Service Act 1974** for the purposes of a former authority continue from that date and subject to the **Public Service Act 1974** to be officers and employees for the purposes of the Director-General.
- (3) The persons who immediately before the commencement of this section were officers and employees for the purposes of the **Ministry for Conservation Act 1972** continue subject to the **Public Service Act 1974** to be officers and employees in the Department.
- (4) The employees who immediately before the date of commencement of this section were employees of the Superintendent of Vermin and Noxious Weeds Destruction become on that date employees of the Director-General.
- (5) The terms and conditions of employment (including classification, salary, accrued benefits and entitlements, and long service leave) of a person to whom subsection (1), (2), (3) or (4) apply are to be no less favourable than the terms and conditions on which the person was employed immediately before the date of commencement of this section.
- (6) An officer or an employee to whom subsection (1), (2), (3) or (4) applies and who—
 - (a) was immediately before the commencement of this section an officer within the meaning of the **State Superannuation Act 1988**, continues from the date of commencement of this section to be such an officer; or

S. 108(6)(a)
amended by
No. 50/1988
s. 93(2)
(Sch. 2 Pt 2
item 5) (as
amended by
No. 81/1988
s. 34(a)).

(b) was immediately before the commencement of this section a permanent employee within the meaning of the **Local Authorities Superannuation Act 1958** or the **State Employees Retirement Benefits Act 1979**, continues from the date of commencement of this section to be such a permanent employee—

despite anything to the contrary in this Act or those Acts.

- (7) For the purposes of this section the terms and conditions of employment relating to long service leave or sick leave (whether determined by an Act or subordinate instrument or otherwise), service as an officer or employee of a former authority are to be treated as service of an officer or employee of the Director-General.
- (8) In relation to persons transferred to the employment of the Director-General under this section, the Director-General has powers of employment and dismissal and the power to determine terms and conditions of employment.

* * * * *

Ss 109, 110
repealed by
No. 76/1998
s. 3(1)(ab).

111 Accounts

- (1) All moneys standing to the credit of the Forests Stores Suspense Account under the **Forests Act 1958** immediately before the date of commencement of this section must at that date be credited to the Conservation, Forests and Land Stores Suspense Account under this Act.

- (2) All moneys standing to the credit of the Forests Plant and Machinery Fund under the **Forests Act 1958** must at that date be credited to the Conservation, Forests and Lands Plant and Machinery Fund under this Act.
- (3) All liabilities of an account from which moneys are credited under subsection (1) or subsection (2) that have not been met before the date of commencement of this section must be met out of the account into which the moneys are credited under this section, and any claim, which may have been made against such an account before that date may from that date be made against the account to which those moneys are so credited.
- (4) In—
- (a) an Act other than this Act; or
 - (b) a subordinate instrument made under an Act other than this Act; or
 - (c) a document—
a reference—
 - (d) to the Forests Stores Suspense Account is at the date of commencement of this section to be treated as a reference to the Conservation, Forests and Land Stores Suspense Account; and
 - (e) to the Forests Plant and Machinery Fund is at the date of commencement of this section to be treated as a reference to the Conservation, Forests and Lands Plant and Machinery Fund.

* * * * *

Ss 112, 113
repealed by
No. 52/1994
s. 97(Sch. 3
items 4.3, 4.4).

114 Continuation of section 94A of the Forests Act 1958

If before the date of commencement of item 24.107 of Schedule 4—

- (a) an advance was made; or
- (b) an agreement was entered into; or
- (c) a caveat was lodged—

under section 94A of the **Forests Act 1958**, that section as in force immediately before the date of commencement of that item continues to apply on and after that date to that advance, agreement or caveat, despite the repeal of that section by this Act.

S. 115
repealed by
No. 76/1998
s. 3(1)(ab).

* * * * *

S. 116
amended by
Nos 52/1994
s. 97(Sch. 3
item 4.5),
96/1994
s. 52(e),
repealed by
No. 57/1995
s. 32(5).

* * * * *

117 Bodies not affected by change in constitution

A change made by this Part of Schedule 4 in the constitution of a body constituted by or under an Act does not affect—

- (a) the body's existence; or
- (b) the body's identity; or
- (c) the body's functions, powers, property, rights, liabilities or obligations; or
- (d) any legal or other proceedings by or against the body.

119 References to the Secretary

The repeal of section 6(6) and (7) by section 3 of the **Conservation, Forests and Lands (Miscellaneous Amendments) Act 1998** does not affect the operation of those provisions in relation to any document (other than an Act) existing immediately before the commencement of that section.

S. 119
inserted by
No. 76/1998
s. 4.

120 Saving and transitional provisions—appointments and delegations

If immediately before the commencement of the **Fisheries (Amendment) Act 2003** there was in force—

- (a) an appointment of an authorised officer under section 83 for the purposes of the **Fisheries Act 1995**; or
- (b) a delegation under section 11(2) by the body corporate established under Part 2 of a power, function or duty under the **Fisheries Act 1995**—

that appointment or delegation continues in force subject to this Act and the **Fisheries Act 1995** as if it were an appointment or delegation made by the Secretary to the Department of Primary Industries.

S. 120
inserted by
No. 56/2003
s. 7.

121 Saving of appointments of authorised officers—Sustainable Forests (Timber) Act 2004

The amendment of section 83(1) by the **Sustainable Forests (Timber) Act 2004** does not affect the appointment of any authorised officer under that section and in existence immediately before the commencement of section 129 of that Act.

S. 121
inserted by
No. 48/2004
s. 131.

S. 122
inserted by
No. 48/2004
s. 131.

122 Codes of Practice—Sustainable Forests (Timber) Act 2004

The Code of Forest Practices for Timber Production—Revision No. 2 November 1996 and the Code of Practice for Fire Management on Public Land, as made under Part 5 and in force immediately before the substitution of Part 5 by section 128 of the **Sustainable Forests (Timber) Act 2004** are deemed, on and from that commencement to have been made under Part 5 as substituted by that Act and may be varied or revoked accordingly.

S. 123
inserted by
No. 62/2010
s. 108.

123 Transitional provision—Traditional Owner Settlement Act 2010

- (1) Division 5A does not apply to a Traditional Owner Land Management Board in existence before the commencement of section 106 of the **Traditional Owner Settlement Act 2010**, unless—
 - (a) the Minister makes a determination that the Division applies; and
 - (b) varies the determination under section 82B establishing the Board to specify the matters set out in section 82B(5)(ba).
- (2) For the purposes of subsection (1)(b) the Minister may vary a determination made under section 82B.

Schedules

Schedule 1

Alpine Resorts Act 1983.

Alpine Resorts (Management) Act 1997.

Catchment and Land Protection Act 1994.

Climate Change Act 2010.

Coastal Management Act 1995.

Crown Land (Reserves) Act 1978.

Fisheries Act 1968.

Fisheries Act 1995.

Flora and Fauna Guarantee Act 1988.

Forests Act 1958.

Heritage Rivers Act 1992.

Land Act 1958.

Land Conservation (Vehicle Control) Act 1972.

Melbourne (Yarra Park) Land Act 1980.

National Parks Act 1975.

Reference Areas Act 1978.

Safety on Public Land Act 2004.

Sustainable Forests (Timber) Act 2004.

Part 2 of the Victoria Racing Club Act 2006.

Victorian Plantations Corporation Act 1993.

Part 4 and section 184(2) and (3) of the Water Industry Act 1994

Wildlife Act 1975.

S. 3(1).
Sch. 1
amended by
Nos 47/1988
s. 71(Sch. 4
item 1(a)(b)),
36/1992 s. 19,
61/1993
s. 36(k),
52/1994
s. 97(Sch. 3
items 4.6, 4.7),
8/1995
s. 41(b),
92/1995
s. 162(3) (as
amended by
No. 5/1997
s. 49), 89/1997
s. 71, 66/2000
s. 34, 48/2004
s. 132,
109/2004 s. 23,
40/2006 s. 42,
89/2009 s. 16,
54/2010 s. 76,
43/2012
s. 3(Sch.
item 7).

S. 3(1).
Sch. 1A
inserted by
No. 38/1995
s. 12(d),
amended by
No. 106/1995
s. 51(c).

Schedule 1A

Royal Botanic Gardens Act 1991.

Zoological Parks and Gardens Act 1995.

**Schedule 2—Provisions relating to
membership and procedure of committees
and Councils**

S. 12(4).
Sch. 2
amended by
No. 76/1998
s. 3(1)(ac).

1. Questions arising at a meeting of a committee are to be determined by a majority of votes of the members present and voting.
2. (1) The Minister may appoint a member of a committee to be the Convenor of the committee and that person is to preside at meetings of the committee at which the person is present.
(2) In the absence of the Convenor at any meeting of a committee, the members present are to appoint one of their number to preside at that meeting.
3. The Convenor or member presiding at a meeting of a committee is to have a deliberate vote and, in the event of an equality of votes, a second or casting vote.
4. A majority of members of a committee form a quorum and any duly convened meeting at which a quorum is present is competent to transact any business of the committee and has and may exercise all the functions of that committee.
5. The frequency of meetings of a committee, the procedures for the calling of meetings, and the conduct of business at those meetings may, subject to any directions by the Minister, be as determined by the committee.
6. The Convenor of a committee must cause minutes of the proceedings and decisions at each meeting of the committee to be kept and must furnish the Minister and the Secretary with a copy of those minutes as soon as practicable after each meeting.
7. A member of a committee is entitled to receive remuneration and travelling and other allowances determined by the Minister.

Conservation, Forests and Lands Act 1987

No. 41 of 1987

Schedule 2—Provisions relating to membership and procedure of committees
and Councils

8. (1) The Minister may appoint some person to act as the alternate of a member in the case of the illness or other absence from a meeting by a member and the alternate member is to exercise the powers and perform the duties of that member during the member's absence.
- (2) In this Schedule, a reference to a member of the committee includes a reference to the member's alternate member.
9. A committee or the Minister may establish sub-committees (whether or not consisting of members of the committee) for the purposes of advising it upon such matters within the scope of its functions as may be referred to the sub-committees by the committee or the Minister.
10. A member of a committee holds office for the term not exceeding 5 years, specified in the member's instrument of employment, and ceases to hold office—
- (a) if the member is removed from office; or
- (b) when the member's term of office expires; or
- (c) if the member resigns by delivering to the Minister a written resignation signed by the member.
- 10A. A member of a committee who has a direct pecuniary interest in any matter before the committee must not take part in the deliberations on or the deciding of that matter.
11. The provisions of this Schedule apply to a Council or sub-committee as if it were a committee.

Sch. 2
Item 10A
inserted by
No. 47/1988
s. 71(Sch. 4
item 2).

Schedule 3—Works of public authorities

S. 66.

1. Soil and vegetation disturbance above 1220 m elevation above sea level.
2. The annual works programmes of Authorities under the **Water Act 1989** that operate under Division 2, but not Division 3, of Part 10 of that Act. Sch. 3 cl. 2 amended by No. 81/1989 s. 3(Sch. item 5(a)).
3. Construction of dams, weirs, or other structures, in or across waterways which potentially interfere with the passage of fish, or the quality of aquatic habitat. Sch. 3 cl. 3 amended by No. 81/1989 s. 3(Sch. item 5(b)).
4. The carrying out of developments within a habitat which has been determined to be a critical habitat under the **Flora and Fauna Guarantee Act 1988**. Sch. 3 cl. 4 inserted by No. 47/1988 s. 71(Sch. 4 item 3).

Sch. 4
amended by
Nos 26/1988
s. 15, 65/1990
s. 4(1),
52/1994
s. 97(Sch. 3
item 4.8),
repealed by
No. 96/1994
s. 52(e), new
Sch. 4
inserted by
No. 82/2009
s. 39.

Schedule 4—Transitional provisions applying on abolition of Traditional Owner Land Management Boards

1 Definitions

In this Schedule—

old board means a Traditional Owner Land Management Board that is being abolished under a determination of the Minister under section 82G.

2 Transfer of assets etc. on abolition

On the making of a determination under section 82G—

- (a) any rights, property and assets of the old board that are specified in the determination are taken to be vested in the Secretary; and
- (b) any debts, liabilities and obligations of the old board arising out of any vesting under paragraph (a) are deemed to be the debts, liabilities and obligations of the Secretary; and
- (c) the Secretary is substituted as a party to any arrangement or contract entered into by or on behalf of the old board arising out of any vesting under paragraph (a).

3 Amendment of Register

The Registrar of Titles must make any recordings in or amendments to the Register under the **Transfer of Land Act 1958** that are necessary because of the operation of this Schedule.

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

Minister's second reading speech—

Legislative Assembly: 26 February 1987

Legislative Council: 29 April 1987

The long title for the Bill for this Act was "A Bill to create a body corporate called the Director-General of Conservation, Forests and Lands, to abolish various bodies and transfer their functions to that body corporate, to provide for the administration and enforcement of Acts administered by the Minister for Conservation, Forests and Lands and for other matters concerning land management to make consequential amendments to various Acts and for other purposes."

The **Conservation, Forests and Lands Act 1987** was assented to on 19 May 1987 and came into operation as follows:

Section 113 on 30 June 1987, rest of Act (*except* sections 26(7), 30, Parts 5 and 6, Schedule 4 item 49.9) on 1 July 1987: Government Gazette 24 June 1987 page 1694; Part 5 (sections 31–55) on 10 December 1987: Government Gazette 9 December 1987 page 3328; section 30 on 20 January 1988: Government Gazette 20 January 1988 page 83.

Section 26(7) and Schedule 4 item 49.9 were never proclaimed, repealed by No. 11/1995.

Part 6 (sections 56–65) not yet proclaimed.

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided section or clause of a Schedule is amended by the insertion of one or more subsections or subclauses, the original section or clause becomes subsection or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original section or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in an Act which is passed on or after 1 January 2001 form part of that Act. Any heading inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. This includes headings to Parts, Divisions or Subdivisions in a Schedule; sections; clauses; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in an Act which is passed on or after 1 January 2001 form part of that Act. Any examples, diagrams or notes inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, form part of that Act. See section 36(3A).

- **Punctuation**

All punctuation included in an Act which is passed on or after 1 January 2001 forms part of that Act. Any punctuation inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. See section 36(3B).

- **Provision numbers**

All provision numbers included in an Act form part of that Act, whether inserted in the Act before, on or after 1 January 2001. Provision numbers include section numbers, subsection numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of an Act is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of an Act. See section 36(3)(3D)(3E).

2 Table of Amendments

This publication incorporates amendments made to the **Conservation, Forests and Lands Act 1987** by Acts and subordinate instruments.

Pipelines (Amendment) Act 1988, No. 26/1988

Assent Date: 17.5.88
Commencement Date: S. 15 on 1.7.87: s. 2(2); rest of Act on 30.6.88:
Government Gazette 29.6.88 p. 1896
Current State: All of Act in operation

Flora and Fauna Guarantee Act 1988, No. 47/1988

Assent Date: 24.5.88
Commencement Date: Ss 1–4, 8, 11, 69 on 24.5.88: s. 2(1); rest of Act on
25.9.88: Special Gazette (No. 81) 25.9.88 p. 1
Current State: All of Act in operation

State Superannuation Act 1988, No. 50/1988 (as amended by No. 81/1988)

Assent Date: 24.5.88
Commencement Date: S. 93(2)(Sch. 2 item 5) on 1.7.88: Government Gazette
1.6.88 p. 1487
Current State: This information relates only to the provision/s
amending the **Conservation, Forests and Lands
Act 1987**

Local Government (Consequential Provisions) Act 1989, No. 12/1989

Assent Date: 9.5.89
Commencement Date: S. 4(1)(Sch. 2 item 16.1) on 1.11.89: Government
Gazette 1.11.89 p. 2798
Current State: This information relates only to the provision/s
amending the **Conservation, Forests and Lands
Act 1987**

Transfer of Land (Computer Register) Act 1989, No. 18/1989

Assent Date: 16.5.89
Commencement Date: 3.2.92: Government Gazette 18.12.91 p. 3488
Current State: All of Act in operation

Road Safety (Miscellaneous Amendments) Act 1989, No. 53/1989

Assent Date: 14.6.89
Commencement Date: S. 22(2) on 19.6.89: Special Gazette (No. 32) 15.6.89
p. 1
Current State: This information relates only to the provision/s
amending the **Conservation, Forests and Lands
Act 1987**

Magistrates' Court (Consequential Amendments) Act 1989, No. 57/1989

Assent Date: 14.6.89
Commencement Date: S. 4(1)(a)–(e)(2) on 1.9.89: Government Gazette
30.8.89 p. 2210; rest of Act on 1.9.90: Government
Gazette 25.7.90 p. 2217
Current State: All of Act in operation

Conservation, Forests and Lands Act 1987
No. 41 of 1987
Endnotes

Penalty Interest Rates (Amendment) Act 1989, No. 58/1989

Assent Date: 22.8.89
Commencement Date: 22.8.89
Current State: All of Act in operation

Water (Consequential Amendments) Act 1989, No. 81/1989

Assent Date: 5.12.89
Commencement Date: 1.11.90: Government Gazette 15.8.90 p. 2473
Current State: All of Act in operation

Conservation, Forest and Lands Acts (Amendment) Act 1989, No. 90/1989

Assent Date: 5.12.89
Commencement Date: Pts 1, 2, 4; ss 9, 16, 17 on 5.12.89: s. 2(1); Pt 3 (*except* s. 9) on 16.11.89: s. 2(2); s. 18(2) on 19.4.88: s. 2(3); ss 11–15, 18(1) on 3.10.90: Special Gazette (No. 47) 3.10.90 p. 1
Current State: All of Act in operation

Victorian Public Offices Corporation (Repeal) Act 1990, No. 65/1990

Assent Date: 20.11.90
Commencement Date: 20.11.90
Current State: All of Act in operation

Forests (Timber Harvesting) Act 1990, No. 82/1990

Assent Date: 11.12.90
Commencement Date: 11.12.90
Current State: All of Act in operation

Heritage Rivers Act 1992, No. 36/1992

Assent Date: 16.6.92
Commencement Date: S. 19 on 10.9.92: Government Gazette 9.9.92 p. 2635
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Crown Land Acts (Amendment) Act 1993, No. 48/1993

Assent Date: 1.6.93
Commencement Date: 1.6.93
Current State: All of Act in operation

Victorian Plantations Corporation Act 1993, No. 61/1993

Assent Date: 8.6.93
Commencement Date: Ss 1–3 on 8.6.93: s. 2(1); rest of Act on 1.7.93: Government Gazette 24.6.93 p. 1596
Current State: All of Act in operation

Mineral Resources Development (Amendment) Act 1993, No. 86/1993

Assent Date: 3.11.93
Commencement Date: S. 39 on 17.1.94: Government Gazette 16.12.93 p. 3317
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Conservation, Forests and Lands Act 1987
No. 41 of 1987
Endnotes

Financial Management (Consequential Amendments) Act 1994, No. 31/1994
(as amended by No. 43/1995)

Assent Date: 31.5.94
Commencement Date: S. 3(Sch. 1 items 12.1, 12.2) on 7.7.94: Government Gazette 7.7.94 p. 1878—see **Interpretation of Legislation Act 1984**
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Catchment and Land Protection Act 1994, No. 52/1994

Assent Date: 15.6.94
Commencement Date: Ss 1, 2 on 15.6.94: s. 2(1); ss 3–5, Pt 2 (ss 6–19), Sch. 1 on 30.9.94: Government Gazette 29.9.94 p. 2306; rest of Act on 15.12.94: s. 2(3)
Current State: All of Act in operation

Fisheries (Amendment) Act 1994, No. 87/1994

Assent Date: 6.12.94
Commencement Date: Ss 1, 2, 4–6, 12(1), 13, 19–26, 28–34 on 6.12.94: s. 2(1); rest of Act on 30.3.95: Government Gazette 30.3.95 p. 694
Current State: All of Act in operation

Crown Lands Acts (Amendment) Act 1994, No. 96/1994

Assent Date: 13.12.94
Commencement Date: Pt 4 (ss 49–52) on 26.1.95: Government Gazette 26.1.95 p. 163
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Project Development and Construction Management Act 1994, No. 101/1994

Assent Date: 13.12.94
Commencement Date: S. 65 on 22.5.95: Government Gazette 18.5.95 p. 1180
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Coastal Management Act 1995, No. 8/1995

Assent Date: 26.4.95
Commencement Date: S. 41 on 6.7.95: Government Gazette 6.7.95 p. 1698
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Statute Law Revision Act 1995, No. 11/1995¹

Assent Date: 26.4.95
Commencement Date: S. 3(2)(Sch. 2) on 26.4.95: s. 2
Current State: All of Act in operation

Conservation, Forests and Lands Act 1987
No. 41 of 1987
Endnotes

Royal Botanic Gardens and Victorian Conservation Trust (Amendment) Act 1995, No. 38/1995

Assent Date: 6.6.95
Commencement Date: 6.6.95
Current State: All of Act in operation

National Parks (Yarra Ranges and Other Amendments) Act 1995, No. 57/1995

Assent Date: 20.6.95
Commencement Date: S. 32(5) on 3.8.95: Government Gazette 3.8.95 p. 2013
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Extractive Industries Development Act 1995, No. 67/1995

Assent Date: 17.10.95
Commencement Date: S. 58(Sch. 1 item 4) on 1.6.96: Special Gazette (No. 60) 31.5.96 p. 4
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Fisheries Act 1995, No. 92/1995 (as amended by No. 5/1997)

Assent Date: 5.12.95
Commencement Date: S. 162 on 18.12.97: Government Gazette 18.12.97 p. 3613
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Zoological Parks and Gardens Act 1995, No. 106/1995

Assent Date: 5.12.95
Commencement Date: S. 51(a)–(c) on 30.4.96: Special Gazette (No. 45) 30.4.96 p. 1.
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Taxation Administration Act 1997, No. 40/1997

Assent Date: 3.6.97
Commencement Date: S. 138(Sch. 2 item 5) on 1.7.97: Government Gazette 12.6.97 p. 1330
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Wildlife (Amendment) Act 1997, No. 87/1997

Assent Date: 2.12.97
Commencement Date: Pt 3 (ss 43–45) on 21.3.98: Government Gazette 12.3.98 p. 520
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Conservation, Forests and Lands Act 1987
No. 41 of 1987
Endnotes

Alpine Resorts (Management) Act 1997, No. 89/1997

Assent Date: 9.12.97
Commencement Date: S. 71 on 30.4.98: Government Gazette 30.4.98 p. 926
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Audit (Amendment) Act 1997, No. 93/1997

Assent Date: 6.12.97
Commencement Date: S. 28(Sch. item 6) on 1.7.98: s. 2(2)
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Victorian Plantations Corporation (Amendment) Act 1998, No. 35/1998

Assent Date: 19.5.98
Commencement Date: S. 13 on 26.6.98: Government Gazette 25.6.98 p. 1561
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Parks Victoria Act 1998, No. 44/1998

Assent Date: 26.5.98
Commencement Date: S. 26 on 3.7.98: Government Gazette 2.7.98 p. 1690
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Public Sector Reform (Miscellaneous Amendments) Act 1998, No. 46/1998

Assent Date: 26.5.98
Commencement Date: S. 7(Sch. 1) on 1.7.98: s. 2(2)
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Tribunals and Licensing Authorities (Miscellaneous Amendments) Act 1998, No. 52/1998

Assent Date: 2.6.98
Commencement Date: S. 311(Sch. 1 item 15) on 1.7.98: Government Gazette 18.6.98 p. 1512
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

National Parks (Amendment) Act 1998, No. 70/1998

Assent Date: 4.11.98
Commencement Date: S. 15 on 15.4.99: Government Gazette 15.4.99 p. 838
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Conservation, Forests and Lands Act 1987
No. 41 of 1987
Endnotes

**Conservation, Forests and Lands (Miscellaneous Amendments) Act 1998,
No. 76/1998** (as amended by No. 74/2000)

Assent Date: 10.11.98
Commencement Date: Ss 3, 4 on 15.12.98: s. 2(5)
Current State: This information relates only to the provision/s
amending the **Conservation, Forests and Lands
Act 1987**

Transfer of Land (Single Register) Act 1998, No. 85/1998 (as amended by
No. 76/1998)

Assent Date: 17.11.98
Commencement Date: S. 24(Sch. item 12) on 1.1.99: s. 2(3)
Current State: This information relates only to the provision/s
amending the **Conservation, Forests and Lands
Act 1987**

Water Industry (Amendment) Act 2000, No. 66/2000

Assent Date: 8.11.00
Commencement Date: Ss 33, 34 on 1.12.01: s. 2(4)
Current State: This information relates only to the provision/s
amending the **Conservation, Forests and Lands
Act 1987**

Corporations (Consequential Amendments) Act 2001, No. 44/2001

Assent Date: 27.6.01
Commencement Date: S. 3(Sch. item 22) on 15.7.01: s. 2
Current State: This information relates only to the provision/s
amending the **Conservation, Forests and Lands
Act 1987**

Statute Law Further Amendment (Relationships) Act 2001, No. 72/2001

Assent Date: 7.11.01
Commencement Date: S. 3(Sch. item 3) on 20.12.01: Government Gazette
20.12.01 p. 3127
Current State: This information relates only to the provision/s
amending the **Conservation, Forests and Lands
Act 1987**

Fisheries (Amendment) Act 2003, No. 56/2003

Assent Date: 16.6.03
Commencement Date: Ss 5–7 on 17.6.03: s. 2
Current State: This information relates only to the provision/s
amending the **Conservation, Forests and Lands
Act 1987**

Forests and National Parks Acts (Amendment) Act 2003, No. 97/2003

Assent Date: 2.12.03
Commencement Date: S. 6 on 3.12.03: s. 2
Current State: This information relates only to the provision/s
amending the **Conservation, Forests and Lands
Act 1987**

Conservation, Forests and Lands Act 1987
No. 41 of 1987
Endnotes

Sustainable Forests (Timber) Act 2004, No. 48/2004

Assent Date: 16.6.04
Commencement Date: Ss 127–129, 131, 132 on 17.6.04: s. 2(1); s. 130 on 1.8.04: Government Gazette 29.7.04 p. 2120
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Primary Industries Legislation (Further Miscellaneous Amendments) Act 2004, No. 69/2004

Assent Date: 19.10.04
Commencement Date: S. 57 on 20.10.04: s. 2(1)
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Public Administration Act 2004, No. 108/2004

Assent Date: 21.12.04
Commencement Date: S. 117(1)(Sch. 3 item 39) on 5.4.05: Government Gazette 31.3.05 p. 602
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Safety on Public Land Act 2004, No. 109/2004

Assent Date: 21.12.04
Commencement Date: S. 23 on 22.12.04: s. 2
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Infringements (Consequential and Other Amendments) Act 2006, No. 32/2006

Assent Date: 13.6.06
Commencement Date: S. 94(Sch. item 7) on 1.7.06: Government Gazette 29.6.06 p. 1315
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Victoria Racing Club Act 2006, No. 40/2006

Assent Date: 20.6.06
Commencement Date: S. 42 on 1.8.06: Government Gazette 27.7.06 p. 1534
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Public Sector Acts (Further Workplace Protection and Other Matters) Act 2006, No. 80/2006

Assent Date: 10.10.06
Commencement Date: S. 26(Sch. item 19) on 11.10.06: s. 2(1)
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Conservation, Forests and Lands Act 1987
No. 41 of 1987
Endnotes

Water (Governance) Act 2006, No. 85/2006

Assent Date: 17.10.06
Commencement Date: S. 160 on 21.12.06: Government Gazette 21.12.06 p. 2768
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Relationships Act 2008, No. 12/2008

Assent Date: 15.4.08
Commencement Date: S. 73(1)(Sch. 1 item 8) on 1.12.08: s. 2(2)
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Relationships Amendment (Caring Relationships) Act 2009, No. 4/2009

Assent Date: 10.2.09
Commencement Date: S. 37(Sch. 1 item 6) on 1.12.09: s. 2(2)
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Resources Industry Legislation Amendment Act 2009, No. 6/2009

Assent Date: 3.3.09
Commencement Date: S. 47 on 1.1.10: s. 2(2)
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Crown Land Acts Amendment (Lease and Licence Terms) Act 2009, No. 40/2009

Assent Date: 5.8.09
Commencement Date: Ss 50, 51 on 6.8.09: s. 2(1)
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Criminal Procedure Amendment (Consequential and Transitional Provisions) Act 2009, No. 68/2009

Assent Date: 24.11.09
Commencement Date: S. 97(Sch. item 24) on 1.1.10: Government Gazette 10.12.09 p. 3215
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Parks and Crown Land Legislation Amendment (River Red Gums) Act 2009, No. 82/2009

Assent Date: 8.12.09
Commencement Date: Ss 37–39 on 1.1.10: Government Gazette 17.12.09 p. 3338
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Conservation, Forests and Lands Act 1987
No. 41 of 1987
Endnotes

Melbourne Cricket Ground and Yarra Park Amendment Act 2009, No 89/2009

Assent Date: 15.12.09
Commencement Date: S. 16 on 15.3.10: s. 2(2)
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Transport Integration Act 2010, No. 6/2010 (as amended by No. 45/2010)

Assent Date: 2.3.10
Commencement Date: S. 25(5)(Sch. 2 item 2) on 1.7.10: Special Gazette (No. 256) 30.6.10 p. 1
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Climate Change Act 2010, No. 54/2010

Assent Date: 14.9.10
Commencement Date: S. 76 on 1.7.11: s. 2(2)
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Traditional Owner Settlement Act 2010, No. 62/2010

Assent Date: 21.9.10
Commencement Date: Ss 95–108 on 23.9.10: Special Gazette (No. 382) 22.9.10 p. 1
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Statute Law Revision Act 2011, No. 29/2011

Assent Date: 21.6.11
Commencement Date: S. 3(Sch. 1 item 16) on 22.6.11: s. 2(1)
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Sentencing Amendment (Community Correction Reform) Act 2011, No. 65/2011

Assent Date: 22.11.11
Commencement Date: S. 107(Sch. item 1) on 16.1.12: Special Gazette (No. 423) 21.12.11 p. 3
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Statute Law Revision Act 2012, No. 43/2012

Assent Date: 27.6.12
Commencement Date: S. 3(Sch. item 7) on 28.6.12: s. 2(1)
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Conservation, Forests and Lands Act 1987
No. 41 of 1987
Endnotes

Workplace Injury Rehabilitation and Compensation Act 2013, No. 67/2013
(as amended by No. 44/2014)

Assent Date: 12.11.13
Commencement Date: S. 649(Sch. 9 item 4) on 1.7.14: s. 2(1)
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Game Management Authority Act 2014, No. 24/2014

Assent Date: 8.4.14
Commencement Date: Ss 77–80 on 1.7.14: s. 2(2)
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Victoria Police Amendment (Consequential and Other Matters) Act 2014, No. 37/2014

Assent Date: 3.6.14
Commencement Date: S. 10(Sch. item 26) on 1.7.14: Special Gazette (No. 200) 24.6.14 p. 2
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Water Amendment (Flood Mitigation) Act 2014, No. 53/2014

Assent Date: 12.8.14
Commencement Date: S. 8 on 1.3.15: s. 2(2)
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Statute Law Revision Act 2015, No. 21/2015

Assent Date: 16.6.15
Commencement Date: S. 3(Sch. 1 item 13) on 1.8.15: s. 2(1)
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Crown Land Legislation Amendment Act 2016, No. 51/2016

Assent Date: 18.10.16
Commencement Date: Ss 3–6 on 19.10.16: s. 2
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

3 Amendments Not in Operation

There are no amendments which were Not in Operation at the date of this publication.

4 Explanatory details

¹ Table of Amendments: The amendment to Schedule 4 proposed by section 3(2)(Schedule 2) of the **Statute Law Revision Act 1995**, No. 11/1995 is not included in this publication because Schedule 4 had been repealed by section 52(e) of the **Crown Land Acts (Amendment) Act 1994**, No. 96/1994 before this amendment came into operation.