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## National Parks and Wildlife Amendment Bill 2010

Amendments made by Legislative Assembly on 21 April 2010.

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- No. 1 Page 9, Schedule 1 [32], proposed section 86 (2), lines 21 and 22. Omit “(whether or not the person knows it is an Aboriginal object)”.
- No. 2 Page 10, Schedule 1 [32], proposed section 86 (4), line 2. Omit “(whether or not the person knows it is an Aboriginal place)”.
- No. 3 Page 10, Schedule 1 [32], proposed section 86. Insert after line 6:
- (5) The offences under subsections (2) and (4) are offences of strict liability and the defence of honest and reasonable mistake of fact applies.
- No. 4 Page 10, Schedule 1 [32], proposed section 87 (1), line 19. Omit “(3)”. Insert instead “(4)”.
- No. 5 Page 10, Schedule 1 [32], proposed section 87. Insert after line 36:
- (5) The Minister is not to recommend the making of a regulation under subsection (3) that adopts or prescribes a code of practice unless the Minister is satisfied the code of practice meets any minimum standards set by the Director-General for the purposes of this subsection.
  - (6) The Director-General may, for the purposes of subsection (5) set minimum standards for codes of practice to be adopted or prescribed by regulation under subsection (3). The Director-General is to publish any such minimum standards in the Gazette.
- No. 6 Page 11, Schedule 1 [32], proposed section 87A, line 2. Omit “(3)”. Insert instead “(4)”.
- No. 7 Page 11, Schedule 1 [32], proposed section 87A (b), lines 6–9. Omit all words on those lines. Insert instead:
- (b) any emergency fire fighting act or bush fire hazard reduction work within the meaning of the *Rural Fires Act 1997* that is authorised or required to be carried out under that Act,
- No. 8 Page 11, Schedule 1 [32], proposed section 87B (2), line 25. Omit “(3)”. Insert instead “(4)”.
- No. 9 Page 14, Schedule 1 [36], proposed section 90D (3), lines 8 and 9. Omit all words on those lines. Insert instead:
- (3) A permit may be varied only on the application of the holder of the permit. However, the Director-General may vary a permit:
    - (a) to correct a typographical error, or

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- (b) to resolve an inconsistency between conditions to which the permit is subject.
- No. 10 Page 14, Schedule 1 [36], proposed section 90E, line 15. Omit “vary or”.
- No. 11 Page 14, Schedule 1 [36], proposed section 90E (1), lines 16–18. Omit all words on those lines.
- No. 12 Page 17, Schedule 1 [36], proposed section 90K (1). Insert after line 21:
- (g) whether any such consultation substantially complied with any requirements for consultation set out in the regulations.
- No. 13 Page 21, Schedule 1 [36], proposed section 90S, lines 15–31. Omit all words on those lines.
- No. 14 Page 45, Schedule 1 [116], proposed section 188D (9), lines 1–5. Omit all words on those lines.
- No. 15 Page 47, Schedule 1 [116], proposed section 188G (3) (b), line 28. Omit “copies”. Insert instead “extracts”.
- No. 16 Page 56, Schedule 1 [120]. Insert after line 40:

#### **Collation of public register**

The public register is to be collated as soon as is practicable after the commencement of section 188F.

#### **Determination of width of certain access roads excluded from reservation**

- (1) This clause applies to an exclusion order made before the commencement of section 188D that determined a width (not being a width greater than 30 metres) for an access road to be excluded from reservation under the Act by the order.
- (2) On and from the commencement of this clause:
  - (a) land of the determined width that follows the centreline of the access road (as it existed before the exclusion order was made) vests, if it is not already vested, in the Minister on behalf of the Crown for the purposes of Part 11 of this Act for an estate in fee simple, freed and discharged from:
    - (i) all trusts, obligations, estates, interests, rights of way or other easements, and
    - (ii) any dedication, reservation, Crown grant or vesting to which the land is subject, and any such dedication, reservation, grant or vesting is revoked, and
  - (b) the land referred to in paragraph (a) is taken to be an access road and may continue to be used for the purposes for which it was used immediately before the making of the exclusion order, and
  - (c) if any land was vested in the Minister by virtue of being an access road, but is not covered by the land referred to in paragraph (a), the land is reserved as part of the reserved land within which it is situated.
- (3) Subclause (2) (a) (i) does not apply in relation to a right of way granted under section 20A of the *Forestry Act 1916* that is taken to have continued in force (as if it were granted under section 149

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or 153 of this Act) by clause 8 (11) of Schedule 7 to the *National Park Estate (Southern Region Reservations) Act 2000*.

- (4) In this clause, ***access road*** and ***exclusion order*** have the same meanings that they have in section 188D.