

Version No. 012
Reference Areas Act 1978
Act No. 9093/1978

Version incorporating amendments as at 30 October 2002

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An Act to make further Provision with respect to the Management of certain Special Areas of Crown Land and for other purposes.

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

1. Short title and commencement

- (1) This Act may be cited as the **Reference Areas Act 1978**.
- (2) This Act shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the Government Gazette.

2. Definition

In this Act—

"public land" means—

- (a) any unalienated land of the Crown, including land temporarily or permanently reserved under the **Crown Land (Reserves) Act 1978**;
- (b) State forest, within the meaning of the **Forests Act 1958**;
- (c) park, within the meaning of the **National Parks Act 1975**;

S. 2 def. of "public land" amended by No. 41/1997 s. 29, substituted by No. 50/2002 s. 25.

s. 3

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- (d) land vested in any public authority, other than—
 - (i) a municipal council; or
 - (ii) an Authority under the **Water Act 1989**, to the extent that the land vested in the Authority is within a sewerage district listed in column 3 of Schedule 12 of that Act.

3. Power to Minister to recommend proclamation reference areas

- (1) Where the Minister after having considered a report from the Land Conservation Council is of the opinion that any area of public land should be preserved in its natural state as far as is possible because the area is of ecological interest and significance, he may recommend to the Governor in Council that that area be proclaimed to be a reference area.
- (2) Where the Minister, after having considered a recommendation of the Victorian Environmental Assessment Council under the **Victorian Environmental Assessment Council Act 2001**, is of the opinion that any area of public land should be preserved in its natural state as far as is possible, because the area is of ecological interest and significance, the Minister may recommend to the Governor in Council that that area be proclaimed to be a reference area.

4. Reference areas

Where the Minister has made a recommendation under section 3 in respect of an area the Governor in Council may by proclamation published in the Government Gazette proclaim that area of public land to be a reference area.

S. 3 amended by No. 50/2002 s. 26 (ILA s. 39B(1)).

S. 3(2) inserted by No. 50/2002 s. 26.

5. Advisory committee

- (1) The Minister shall appoint a committee to advise him as to how reference areas should be protected controlled and managed so as to preserve the areas in perpetuity as a reference to which persons concerned with the study of land may be permitted to refer for comparative purposes particularly when solutions to problems that arise from the use of the land by mankind are being sought.
- (2) The committee appointed under sub-section (1) shall consist of not more than six members of whom—
 - (a) three shall be nominated by the Minister; and
 - * * * * *
 - (d) the remainder shall be persons having qualifications in one or other of the scientific disciplines concerned with matters relating to the preservation or management of land and ecological communities.
- (3) The Minister shall appoint one of the members of the committee to be the chairman of the committee and one to be the deputy chairman.
- (4) A member of the committee shall hold office for such term not exceeding five years as is specified in his instrument of appointment and shall be eligible for re-appointment.
- (5) The committee may appoint any two or more of its members to be a sub-committee to investigate any matter on behalf of the committee.

S. 5(2)(a)
substituted by
No. 41/1987
s. 103(Sch. 4
item 56.1).

S. 5(2)(b)(c)
repealed by
No. 41/1987
s. 103(Sch. 4
item 56.1).

- (6) A sub-committee may with the consent of the committee co-opt any person to assist the sub-committee in carrying out any investigation on behalf of the committee.
- (7) Every sub-committee shall report to the committee.
- (8) Four members of the committee shall constitute a quorum.
- (9) A decision carried by the majority of the members present at a meeting of the committee at which a quorum is present shall be the decision of the committee and in the event of an equality of votes in any matter the person presiding at the meeting shall exercise a second or casting vote.
- (10) A person who is a member of the committee or who is co-opted to assist a sub-committee and who is not a member of the public service or a member or employé of a public statutory body shall be entitled to such fees and travelling expenses as are prescribed.
- (11) Subject to this Act the committee may regulate its own proceedings.

6. Power to Minister to issue directives

- (1) The Minister shall from time to time publish in the Government Gazette directives for or with respect to the protection control or management of all or any particular reference areas.
- (2) The person or body responsible for the protection, control or management of the reference area shall comply with any directives published under subsection (1).

7. Powers of Minister, committee etc. not to be affected except as expressly provided

- (1) Save as is expressly provided by any directive published by the Minister pursuant to the powers conferred by section 6 the declaration of any land as a reference area shall not affect the exercise of any rights powers authorities or duties by any person or body which is responsible for the protection, control or management of the land comprised in a reference area.
- (2) The provisions of section 62(2) of the **Forests Act 1958** shall apply to all State forest, national park and protected public land in a reference area.
- (3) Any question difference or dispute arising or about to arise between the Minister and any person or body responsible for the protection, control or management of land comprised in a reference area with respect to the exercise of any rights powers or authorities or the discharge of any duties or the operation or effect of any directive may be finally and conclusively determined by the Governor in Council.

8. Regulations

The Governor in Council may make regulations for or with respect to any matter or thing which is authorized or required to be prescribed for the purposes of this Act.

* * * * *

S. 9
repealed by
No. 9863
s. 2(Sch.).



ENDNOTES

1. General Information

The **Reference Areas Act 1978** was assented to on 18 April 1978 and came into operation on 1 June 1979: Government Gazette 30 May 1979 page 1651.

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Endnotes

2. Table of Amendments

This Version incorporates amendments made to the **Reference Areas Act 1978** by Acts and subordinate instruments.

Statute Law Revision (Repeals) Act 1982, No. 9863/1982

Assent Date: 5.1.83
Commencement Date: 5.1.83
Current State: All of Act in operation

Conservation, Forests and Lands Act 1987, No. 41/1987

Assent Date: 19.5.87
Commencement Date: S. 103(Sch. 4 item 56.1) on 1.7.87: Government Gazette 24.6.87 p. 1694
Current State: This information relates only to the provisions amending the **Reference Areas Act 1978**

Environment Conservation Council Act 1997, No. 41/1997

Assent Date: 11.9.97
Commencement Date: S.29 on 1.7.97
Current State:

National Parks (Box-Ironbark and Other Parks) Act 2002, No. 50/2002

Assent Date: 29.10.02
Commencement Date: Ss 25, 26 on 30.10.02: s. 2
Current State: This information relates only to the provisions amending the **Reference Areas Act 1978**

3. Explanatory Details

No entries at date of publication.