



MINISTER FOR ENVIRONMENT; WATER

Our ref: 42-06808

Mr Michael Baker
Clerk Assistant
Legislative Council
Parliament House
PERTH WA 6000

Dear Mr Baker

STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS REPORT ON SHACK SITES IN WESTERN AUSTRALIA: GOVERNMENT RESPONSE

I refer to my letter of 10 August 2011, advising that Government is considering the Committee's report on Shack Sites in Western Australia.

A Government Response has been prepared and is attached. Can you please arrange for tabling of the Government Response by 18 August 2011.

Yours sincerely

BILL MARMION MLA
MINISTER FOR ENVIRONMENT; WATER

Att

17 AUG 2011

LEGISLATIVE COUNCIL OF WA

**TABLE COPY
DO NOT REMOVE**

GOVERNMENT RESPONSE TO THE STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS, INQUIRY INTO SHACK SITES IN WESTERN AUSTRALIA, REPORT 21.

Recommendations	Response	Comments
Professional Fisher Shacks		
<p>Recommendation 1:</p> <p>The Committee recommends that the responsible Minister audits the ownership and use of fisher shacks and then reviews the Professional Fisher Shack policy.</p>	<p>Accepted</p>	<p>Professional fishers are exempt from the <i>Illegal Occupation of Coastal Crown Land (Squatters)</i> policy (known as the Squatter Policy), which was adopted by the State Government in 1989, and are generally permitted to operate from shack areas. Leases for professional fisher shacks can only be issued in conjunction with commercial fishing licences issued by the Department of Fisheries (DoF) and it is expected that the shacks will be eventually upgraded to a reasonable standard, which would require shacks to meet environmental, health, building and safety standards.</p> <p>The Government policy <i>Professional Fisher Shack tenure along the Central Coast of Western Australia</i>, administered by the Department of Regional Development and Lands (DRDL), establishes guidelines and criteria for the management and lease of professional fisher shacks. This policy will be reviewed by DRDL in consultation with Department of Environment and Conservation, DoF, Department of Planning, the West Australian Fishing Industry Council, the professional fishers occupying the shacks and the affected local authorities.</p> <p>There are shacks occupied by professional fishers outside of the central coast area which are managed by local government.</p>

Recommendations	Response	Comments
Active Management of Shack Sites		
<p>Recommendation 2:</p> <p>The Committee recommends that the responsible Minister and/or managing authority of each shack site conducts a review of shacks to ascertain whether the shack is being occupied by the owner (leaseholder) or another person permitted to use the shack.</p>	Accepted	<p>The State Government Squatter Policy does not allow for a transfer of shack leases. This is consistent with the view that people should not gain a financial advantage from land that does not belong to them. The State Government supports this position and accepts the recommendation that there is a need to ascertain whether a shack is being occupied by the leaseholder or another person permitted to use the shack.</p> <p>Some local government authorities have accepted that shacks do change hands and have allowed legitimate transfers of leases under their lease arrangements. This situation exists for shacks managed by local government authorities at Naval Base, Windy Harbour and Peaceful Bay.</p>
<p>Recommendation 3:</p> <p>The Committee recommends that the responsible Minister and/or managing authority immediately remove any abandoned shack unless there is a decision to actively manage the shack for public use or another public purpose.</p>	Accepted	<p>The State Government supports the recommendation to remove abandoned shacks immediately. Abandoned shacks will only be retained by the Government for the purpose of public use if they meet environmental, planning, safety, health and building code standards.</p>
<p>Recommendation 4:</p> <p>The Committee recommends that the Government confirm the policy that no new shacks will be permitted on public land, and the responsible Minister or appropriate managing authority should ensure that any unauthorised new shack erected is immediately removed.</p>	Accepted	<p>The State Government supports the recommendation to confirm the policy that no new shacks are to be permitted on public lands and that any unauthorised new shacks that are erected should be immediately removed. The Government will continue to monitor and prevent the erection of additional shacks on public lands.</p>

Recommendations	Response	Comments
Aboriginal Culture and Heritage		
<p>Recommendation 5:</p> <p>The Committee recommends that where an Aboriginal heritage site is located on, or in close proximity to, a shack site, the responsible Minister and/or the managing authority should take action to ensure that the shacks and shack occupants do not pose any threat or risk to the Aboriginal heritage site.</p>	Accepted	<p>The State Government acknowledges that Aboriginal heritage sites are protected under the provisions of the <i>Aboriginal Heritage Act 1972</i> and should be managed accordingly.</p>
Shacks at Wedge and Grey		
<p>Recommendation 6:</p> <p>The Committee recommends that the responsible Minister and managing authority instruct leaseholders and shack owners to remove the shacks at Wedge and Grey and, as a priority, develop the area to provide the public with low impact, nature-based, affordable visitor facilities and accommodation, including camping and caravanning facilities.</p>	Accepted with qualification	<p>The State Government will examine options for Wedge and Grey that meet the requirements for public recreation and tourism use in conjunction with a level of shack retention that contributes to the opportunities for public use. This consideration would be in consultation with current shack leaseholders.</p> <p>Any future development of the sites will be subject to State planning requirements and will address equity of access and use, building safety, health and amenity, coastal processes and provide for environmentally sustainable public outcomes.</p>

Recommendations	Response	Comments
Shacks at Donnelly River		
<p>Recommendation 7:</p> <p>The Committee recommends that the responsible Minister and Department of Environment and Conservation, the managing authority, work with the Lower Donnelly River Conservation Association with the aim of retaining the huts for use by the public and members of the association, on condition that the huts meet health, building and safety standards.</p>	Accepted	<p>The State Government notes the recommendation and will work with the Lower Donnelly River Conservation Association with the aim of retaining the huts for the public and members of the Association on the condition that they meet environmental, safety, health and building code standards. The <i>Shannon and D'Entrecasteaux National Park Management Plan 1987-1997</i>, which is being reviewed, will incorporate this outcome.</p>
Shacks at the Blowholes (Quobba)		
<p>Recommendation 8:</p> <p>The Committee recommends that the responsible Minister urgently consults with the Shire of Carnarvon and resolves the issue of the future of the Blowholes shack site.</p>	Accepted	<p>The State Government will consult with the Shire of Carnarvon to progress the Blowholes Master Plan and consider any other requirements for the site by Government.</p>