

**Submission to Parliament  
under section 42(4)  
of the *Land Administration Act 1997***

# **PROPOSAL**

**Submission No: 03/2023**

**Submitted by the  
Minister for Lands**

on 11TH of APRIL 2023

**SUBMISSION TO PARLIAMENT  
UNDER SECTIONS 42(4)  
OF THE LAND ADMINISTRATION ACT 1997**

*The proposal detailed in this report is required by the above provisions to be laid before each House of Parliament.*

Section 43 of the *Land Administration Act 1997* provides as follows:

*43(1) If, after a proposal is laid before each House of Parliament under Sections 42(4), 44(1) or 45(4) notice of a resolution disallowing the proposal –*

- (a) is not given in either House of Parliament within 14 sitting days of that House after the proposal was laid before it, the proposed reduction, excision, cancellation, change, grant or permission may be implemented by order after the last day of the later of those periods of 14 sitting days;*
- (b) is given in either or both of the Houses of Parliament within 14 sitting days of that House, or each of those Houses, after the proposal was laid before it, but that resolution is not lost in that House or each of those Houses within 30 sitting days after the proposal was laid before it, the proposed reduction, excision, cancellation, change, grant or permission lapses; or*
- (c) is given in either or both of the Houses of Parliament within 14 sitting days of that House, or each of those Houses, after the proposal was laid before it, but that resolution is lost in that House or each of those Houses within 30 sitting days after the proposal was laid before it, the proposed reduction, excision, cancellation, change, grant or permission may be implemented by order after that loss or after the later of those losses, as the case requires.*

*(2) It does not matter whether or not a number of sitting days referred to in subsection (1) or some of them occur during –*

- (a) the same session of Parliament; or*
- (b) the same Parliament,*

*as that in which the relevant proposal is laid before the House of Parliament concerned.*

The proposal set out in this report is accordingly tabled in this House on this 11<sup>th</sup> day of APRIL 2023.

**HON JOHN CAREY MLA**  
**MINISTER FOR LANDS**  
*(or his representative in the Legislative Council)*

**CHANGE OF PURPOSE OF CLASS 'A' RESERVE 39621 AND TRANSFER OF  
MANAGEMENT UNDER SECTION 42(4) OF THE *LAND ADMINISTRATION ACT*  
1997 (LAA)**

Class 'A' Reserve 39621 (Reserve) consists of 369.21 hectares of native bushland and is set aside for the purpose of 'Water and Conservation of Flora and Fauna', managed by the Water Resources Ministerial Body, a subsidiary of the Department of Water and Environmental (DWER) (Attachment 1).

DWER has identified the Reserve as surplus to its requirements and negotiated with the Department of Biodiversity, Conservation and Attractions (DBCA) to transfer its management responsibilities to the Conservation Commission of Western Australia (CCWA). DBCA, on behalf of the CCWA, has confirmed its interest in managing the Reserve due to its size, vegetation, and minimal ground disturbance.

The Reserve's current purpose does not meet the definition of a 'Nature Reserve' under section 6(5) of the *Conservation and Land Management Act 1984*. As such, it is proposed to amend the purpose to 'Conservation of Flora and Fauna', by removing reference to 'Water'.

In accordance with section 42(5) of the LAA, the proposal was advertised in *The West Australian* newspaper on 12 January 2022 (Attachment 2). At the conclusion of the thirty-day notification period, no comments or objections were received.

As Reserve 39621 has a Class 'A' status, it is necessary to obtain the approval of both Houses of Parliament to change the purpose of the Reserve, pursuant to section 42(4) of the LAA.

**ELECTORAL DISTRICT OF ROE  
AGRICULTURAL REGION  
SHIRE OF KOJONUP**





Department of Planning,  
Lands and Heritage

#### Legend

- ☐ Cadastre (View 1)
- Roads
  - Minor
  - ... Not Applicable

#### Notes:

\* The data that appears on the map may be out of date, not intended to be used at the scale displayed, or subject to license agreements. The map should only be used in matters related to Department of Planning, Lands and Heritage business.

\* This map is not intended for measurement purposes.

Map was produced using DPLH's InQuery.

Aerial - Reserve 39621

**DPLH BUSINESS USE ONLY**

Internal Spatial Viewer



0 0.43 0.86 Kilometres

1: 20,000

at A4

Projection: WGS 1984 Web Mercator Auxiliary Sphere

Graticules (if visible): GDA 1994 Latitude/Longitude

Date produced:

21-Nov-2022



**NOTICE OF INTENTION TO AMEND CLASS "A" RESERVE 39621 AND  
TRANSFER MANAGEMENT – SHIRE OF KOJONUP  
LAND ADMINISTRATION ACT 1997 (LAA)**

I, Dr Tony Buti MLA, Minister for Lands, give notice pursuant to section 42(5) of the *Land Administration Act 1997* that it is intended to amend the purpose of Class 'A' Reserve 39621 (Reserve), which is situated on Kiloreggan-Palligup Road in Kojonup, so that management of the Reserve can be transferred to the Conservation and Parks Commission, with the responsible agency being the Department of Biodiversity, Conservation and Attractions. It is proposed to change the purpose of the Reserve from 'Water and Conservation of Flora and Fauna' to 'Conservation of Flora and Fauna'.

Prior to proceeding with this action, you have the opportunity to provide comment on the proposal within 30 days of the publication of this notice. To submit your comment, or to arrange a viewing of the relevant plans, please contact Mr. Alexander John of the Department of Planning, Lands and Heritage by email [alexander.john@dph.wa.gov.au](mailto:alexander.john@dph.wa.gov.au) or mail to Locked Bag 2506, Perth WA 6001 or on (08) 6552 4511 quoting the following reference numbers:

File Number: 01180-1984

Case Number 2002962

**MINISTER FOR LANDS**

DOP/LH 0598

Attachment 2: Copy of Public Notice – West Australian Newspaper, Wednesday January 12, 2022