

RESERVES (WANJARRI NATURE) RESERVE BILL 2011

EXPLANATORY MEMORANDUM

The purpose of this Bill is to excise 758 hectares of land from the Wanjarri Class 'A' Nature Reserve 30897, highlighted in pink on Deposited Plan 72583 (see Appendix A), for the Disseminated Nickel Sulphide Project at Yakabindie. The excision of land is important from a regional and State development perspective as it will help facilitate an extension to the life of the Mt Keith Nickel Operations by an estimated 20 years from 2020 to 2040.

Section 45(3) of the *Land Administration Act 1997* (LAA) requires that land reserved under section 41 of the LAA for the purpose of a Class 'A' nature reserve remains so reserved for that purpose until, by an Act in which that land is specified, it is otherwise enacted. Wanjarri Nature Reserve is reserved under section 41 of the LAA as a Class 'A' nature reserve and accordingly, an Act of Parliament is necessary to remove the proposed excision area from the reserve.

The Bill provides for the excision of the area of 758 hectares from the Wanjarri Nature Reserve, for that area to be reserved for the purpose of mining and for the reserve to be placed under the care, control and management of the Minister for Mines in his capacity as a corporation sole under the *Mining Act 1978*.

An agreement has been reached by the relevant State Ministers, Nickel West and Yakabindie Nickel which provides, in exchange for the land that will be lost from the Wanjarri Nature Reserve, an area of 8,431 hectares, cross-hachured on Deposited Plan 72583 (see Appendix A), of significant conservation values, will be surrendered from an adjoining pastoral lease and ultimately is intended to be added to the Wanjarri Nature Reserve, along with other related benefits to the State.

An explanation of the Bill on a clause by clause basis follows.

- Clause 1** states the short title of the Act.
- Clause 2** provides that sections 1 and 2 of the Act come into operation on the day it receives Royal Assent. The remainder of the Act comes into effect on the day after that day.
- Clause 3** Subclause (1) provides for:
- (a) the legal definition of the Wanjarri Nature Reserve;
 - (b) the description of the excision area, being about 758 hectares, as identified on Deposited Plan 72583; and
 - (c) the definition of Registrar of Titles.
- Subclause (2) is the operative provision which amends the Wanjarri Nature Reserve by excising the excision area from it.

Subclause (3) provides that immediately after the excision under subsection (2) takes effect:

(a) the excision area is no longer part of a Wanjarri Class 'A' Nature Reserve;

(b) the excision area is reserved for the purpose of mining; and

(c) the care, control and management of the reserve is placed with the Minister for Mines in his capacity as a corporation sole, for the purposes of the LAA.

Clause 4 requires the Registrar of Titles to do all things necessary to give effect to the land tenure changes made under the Act on the Register under the *Transfer of Land Act 1893*. The Act is to operate as if its provisions were orders made under the LAA so that the LAA will continue to operate in respect of any future dealings with the reserve.

Appendix A

Deposited Plan 72583 including the Class 'A' Wanjarri Nature Reserve 30897 in pink, the excision area as hachured, and the inclusion area cross-hachured.

