

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

# **PROPOSAL**

**Submission No: 01/2021**

**Submitted by the  
Minister for Lands**

**on ..... of ..... 2021**

**SUBMISSION TO PARLIAMENT  
UNDER SECTION 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..... day of .....2021.



**DR TONY BUTI MLA**  
**MINISTER FOR LANDS**  
*(or his representative in the Legislative Council)*

**CANCELLATION OF CLASS 'A' RESERVE 1916 FOR INCLUSION INTO MOUNT ROE NATIONAL PARK UNDER SECTION 42(4) AND SECTION 45(2) OF THE LAND ADMINISTRATION ACT 1997**

Class 'A' Reserve 1916 (Reserve), is set aside for the purposes of 'Waterway' and managed by the Department of Water and Environmental Regulation (DWER). The Reserve is located at Muir Highway, Rock Gully, within the Shire of Plantagenet (Shire). DWER has advised that the Reserve is underutilised and surplus to its requirements (Attachments 1 and 2).

On 10 April 2017, the then Minister for Environment provided consent to the Reserve's cancellation and inclusion into Mount Roe National Park (National Park), pursuant to section 42(4)(c) and section 45(2)(a) of the *Land Administration Act 1997* (LAA) (Attachment 3).

The Department of Biodiversity, Conservation and Attractions has confirmed the importance of the vegetation located within the Reserve, which contains sizable populations of declared rare flora and threatened ecological communities that are disease free and near pristine. Additionally, it acts as an important vegetative buffer to the Franklin River.

The Shire and the Department of Mines, Industry Regulation and Safety have both provided support for the proposed inclusion of the Reserve into the adjoining National Park.

In accordance with section 42(5) of the LAA, the proposal was advertised in *The West Australian* newspaper on 25 November 2020 (Attachment 4). At the conclusion of the designated period for comments, no objections were received.

The Class 'A' status of the Reserve requires its cancellation to be approved in both Houses of Parliament, pursuant to section 42(4) of the LAA.

**ELECTORAL DISTRICT OF WARREN-BLACKWOOD  
SOUTH WEST REGION  
SHIRE OF PLANTAGENET**

## ATTACHMENT 1



Government of Western Australia  
Department of Water



Looking after all our water needs

Your Ref: 2022-1959  
Our Ref: WT8907  
Enquiries: John Willis  
Telephones: (08) 8304 6952  
Email: [john.willis@water.wa.gov.au](mailto:john.willis@water.wa.gov.au)

Mr. Ken McCrackan-Regional Manager,  
South East Region,  
State Lands Services,  
Department of Regional Development and Lands,  
Level 2,  
140 William Street,  
Perth W.A. 6000.

Dear Ken,

**RESERVE 1916 –Shire of Plantagenet and being Lot 2423 on Plan 37175 held in LR 3157-590, Lot 2428 on Plan 37175 held in LR3157-591 and Lot 2429 on Plan 37175 held in LR3157-592 by Water and Rivers Commission via MO K984274; thus the Department of Water(DoW). Proposed Transfer of Reserve to the Department of Environment and Conservation (DEC).**

I refer to DEC correspondence of 2 July 2012. Copy enclosed.

Regarding Reserve1916; DoW does not utilise nor actively manage the Reserve and has identified it as surplus to requirements. DEC has requested a transfer of the management for this reserve, "as is", from DoW to DEC. DoW has no objections to this proposal.

Please proceed with the proposed transfer and kindly notify DoW of completed action/s to enable its asset register to be updated.

Your assistance in this matter is appreciated.

Should you have any further queries or require further information, please do not hesitate to contact me on the above number.

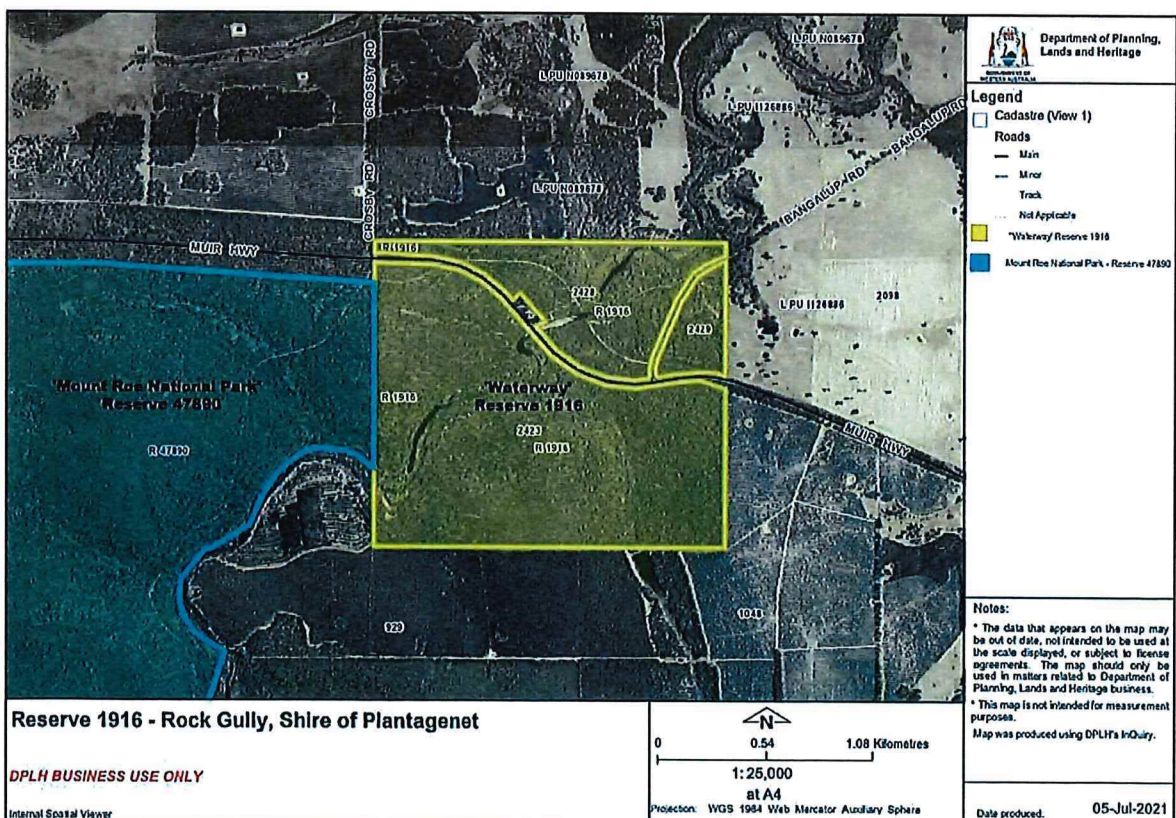
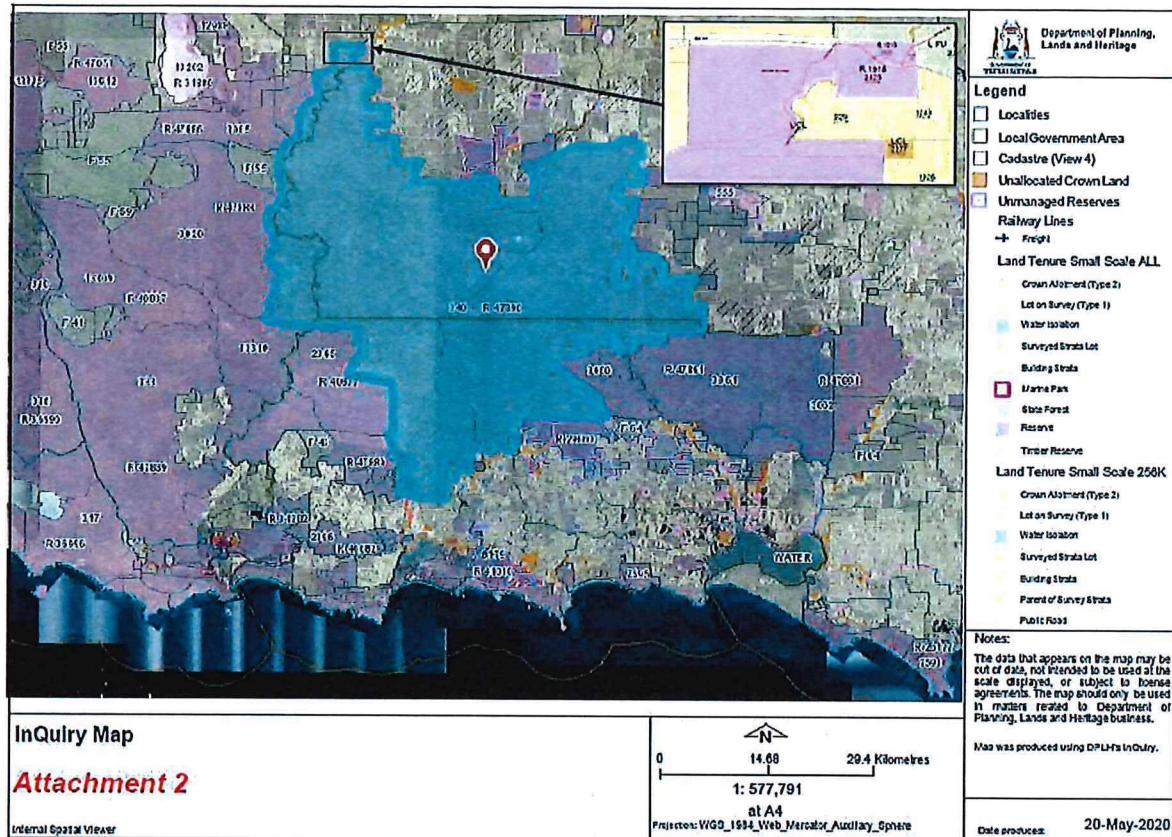
Yours Sincerely,

John Willis,  
Contractor,  
A/Land Policy Officer,  
For Mr. D Franklin,  
A/Strategic Projects Manager,  
Land Management Section,  
Financial Services Branch,  
Corporate Strategy and Reform Division.  
24 July 2012.

Cc to DEC.



## ATTACHMENT 2





62-00409



**Minister for Environment; Disability Services  
Deputy Leader of the Legislative Council**

**RECEIVED**

**19 APR 2017**

Minister's Office

Our Ref: 62-00409

**MINISTER FOR LANDS**

**PROPOSED ADDITION OF RESERVE NO. 1916 TO MOUNT ROE NATIONAL PARK  
(CLASS 'A', RESERVE NO. 47890)**

I am writing to advise you that I have considered a proposal to add Reserve No. 1916 to Mount Roe National Park (Class 'A', Reserve No. 47890).

Reserve No. 1916 is currently managed by the Department of Water which advised in July 2012 that the reserve was surplus to its requirements and that it had no objections to the addition of this reserve to the adjacent national park. The reserve is 248.2 hectares in area and contains significant conservation values with populations of declared rare flora and evidence of use by endangered fauna. It also plays an important function in management of the Frankland River catchment.

For these reasons, I have supported the proposed addition of Reserve No. 1916 to Mount Roe National Park.

Under section 45(2)(a) of the *Land Administration Act 1997* (LA Act), the Minister for Lands, with my consent can, as committed by the Governor by order, add land to national parks.

I have been advised that the Department of Parks and Wildlife has already consulted with the Department of Lands on this proposal, which has the support of the Shire of Plantagenet, the Department of Water and the former Minister for Mines and Petroleum.

I now request that you ask the Department of Lands to undertake the necessary actions to have this proposal completed under section 45(2)(a) of the LA Act.

**Hon Stephen Dawson MLC  
MINISTER FOR ENVIRONMENT**

**10 APR 2017**

# PUBLIC NOTICES



Department of Planning, Lands and Heritage

## CLASS "A" RESERVES 1916 and 47890

Shire of Plantagenet

I, the Honourable Benjamin Sana Wyatt MLA, Minister for Lands, give notice pursuant to section 42(5) and 45(5) of the *Land Administration Act 1997* (LAA), that it is intended to amend Class "A" Reserves 1916 and 47890. It is proposed to:

- cancel Class "A" Reserve 1916 pursuant to section 42(4) of the LAA; and
- add Class "A" Reserve 1916 into Class "A" Reserve 47890 pursuant to 45(2) of the LAA.

Prior to proceeding, you have the opportunity to provide comments on the proposal within 30 days of the publication of this notice. To enable your comments to be taken into account, or to arrange a viewing of the relevant plans, please contact Lynda Martin at [lynda.martin@dph.wa.gov.au](mailto:lynda.martin@dph.wa.gov.au), or Department of Planning, Lands and Heritage, Locked Bag 2506, Perth WA 6001 or telephone (08) 6552 4619, quoting the following reference numbers:

File No: 02022-1989 Case No: 170603

HON BENJAMIN SANA WYATT MLA  
MINISTER FOR LANDS

DOPLH 1745\_1030