

Land and Public Works Legislation Amendment Bill 2022

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Western Australia

LEGISLATIVE ASSEMBLY

**Land and Public Works Legislation Amendment
Bill 2022**

A Bill for

An Act to amend the *Land Administration Act 1997* and the *Public Works Act 1902*, and to make consequential and related amendments to other Acts.

The Parliament of Western Australia enacts as follows:

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Part 1 — Preliminary

1. Short title

This is the *Land and Public Works Legislation Amendment Act 2022*.

2. Commencement

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

1 **Part 2 — *Land Administration Act 1997* amended**

2 **3. Act amended**

3 This Part amends the *Land Administration Act 1997*.

4 **4. Section 3 amended**

5 (1) In section 3(1) delete the definitions of:

6 *location* or *lot*

7 *State instrumentality*

8 (2) In section 3(1) insert in alphabetical order:

9
10 ***Board*** means the Board established by section 94;

11 ***Commissioner*** has the meaning given in the *Soil and*
12 *Land Conservation Act 1945* section 4;

13 ***condition of land***, in relation to land under a pastoral
14 lease or a diversification lease, includes the condition
15 of the soil comprising the land and the condition of the
16 vegetation on the land;

17 ***DBNGP corridor*** has the meaning given in the
18 *Dampier to Bunbury Pipeline Act 1997* section 27(1);

19 ***diversification lease*** has the meaning given in
20 section 92B(1);

21 ***diversification lessee*** means the holder of a
22 diversification lease;

23 ***location* or *lot*** has the meaning given in section 3A(1);

24 ***management plan*** has the meaning given in
25 section 108A(2);

26 ***public work*** has the meaning given in the *Public Works*
27 *Act 1902* section 2;

28 ***soil conservation notice*** means a soil conservation
29 notice issued under the *Soil and Land Conservation*
30 *Act 1945*;

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State instrumentality —

- (a) includes an organisation as defined in the *Public Sector Management Act 1994* section 3(1) and any other body corporate established under a written law; but
- (b) does not include a local government or a regional local government;

(3) In section 3(1) in the definition of ***land***:

- (a) in paragraph (d) delete “and subsoil”;
- (b) in paragraph (d) delete “and (c);” and insert:

and (c); and
- (c) after paragraph (d) insert:

 - (e) the airspace above, and subsoil beneath, anything referred to in paragraphs (a) to (d);

(4) In section 3(1) in the definition of ***road*** delete “means, subject to section 54,” and insert:

means

(5) In section 3(3) delete “freehold of” and insert:

freehold in

1 **5. Section 3A inserted**

2 After section 3 insert:

3

4 **3A. Location or lot**

5 (1) A *location* or *lot* is a parcel of Crown land that is
6 shown on a plan of survey or sketch plan approved by
7 an authorised land officer.

8 (2) A plan of survey or sketch plan may specify that a
9 location or lot shown on it has —

10 (a) a two-dimensional configuration consisting
11 of —

12 (i) length; and

13 (ii) width;

14 or

15 (b) a three-dimensional configuration consisting
16 of —

17 (i) length; and

18 (ii) width; and

19 (iii) height or depth or both.

20

21 **6. Section 9 replaced**

22 Delete section 9 and insert:

23

24 **9. Delegation by Minister and chief executive officer of**
25 **Department**

26 (1) The Minister may delegate any power or duty of the
27 Minister under another provision of this Act to —

28 (a) the chief executive officer of the Department;
29 or

s. 6

- 1 (b) another public service officer of the
2 Department; or
- 3 (c) the holder for the time being of an office in the
4 Department; or
- 5 (d) a prescribed person or a person belonging to a
6 prescribed class of persons.
- 7 (2) The Minister can delegate under subsection (1) a power
8 or duty to convey or transfer the fee simple in Crown
9 land only in accordance with the regulations.
- 10 (3) A person to whom a power or duty is delegated under
11 subsection (1)(b), (c) or (d) cannot delegate that power
12 or duty.
- 13 (4) The chief executive officer of the Department may
14 delegate to a person referred to in subsection (1)(b), (c)
15 or (d) any power or duty that is delegated to the chief
16 executive officer under subsection (1)(a).
- 17 (5) A person to whom a power or duty is delegated under
18 subsection (4) cannot delegate that power or duty.
- 19 (6) A delegation under this section must be in writing
20 signed by the Minister or the chief executive officer of
21 the Department (as the case requires).
- 22 (7) A person exercising or performing a power or duty that
23 has been delegated to the person under this section is
24 taken to do so in accordance with the terms of the
25 delegation unless the contrary is shown.
- 26 (8) Nothing in this section limits the ability of the Minister
27 or the chief executive officer of the Department to
28 perform a function through an officer or agent.
- 29 (9) This section is subject to Part 9 Division 1
30 Subdivision 3 and section 273.
31

1 **7. Section 10 amended**

2 In section 10(3) delete “The” and insert:

3

4 Subject to this Act, the

5

6 **8. Sections 11A and 11B inserted**

7 After section 11 insert:

8

9 **11A. Minister may hold and deal with alienated land**

10 (1) The Minister may, in the name and on behalf of the
11 State, hold the freehold in land.

12 (2) The Minister may, in the name and on behalf of the
13 State, deal with and dispose of land held in freehold by
14 the Crown, the State or the Minister.

15 (3) Without limiting subsection (2), the Minister may —

16 (a) undertake, plan, provide for, promote or
17 coordinate the subdivision, amalgamation,
18 improvement, development, alteration or
19 management of land referred to in that
20 subsection; and

21 (b) carry out any investigation, survey, exploration
22 or feasibility study on, or in relation to, that
23 land.

24 **11B. Powers of Minister in relation to administration and**
25 **management of land**

26 (1) The Minister may do all things necessary or convenient
27 to be done for or in connection with the administration

s. 9

1 and management of Crown land and land referred to in
2 section 11A(2).

3 (2) Without limiting subsection (1), the Minister may enter
4 into a contract or arrangement with any person or body
5 in respect of the administration or management of land
6 referred to in that subsection.
7

8 **9. Section 12 amended**

9 (1) In section 12 delete “The Minister must not exercise a power
10 (other than a power conferred by section 50(1) or (2))” and
11 insert:
12

13 (1) The Minister must not exercise a power
14

15 (2) At the end of section 12 insert:
16

17 (2) Subsection (1) does not apply to —

18 (a) the exercise of a power conferred by
19 section 42(3), 43(1)(a) or (c), 45(2), 50(1)
20 or (2) or 51(2); or

21 (b) the performance of a duty imposed by
22 section 42(4) or 45(4); or

23 (c) the exercise of a power, or the performance of a
24 duty, that is necessary as a consequence of the
25 exercise of a power referred to in paragraph (a);
26 or

27 (d) the exercise of a power conferred by, or the
28 performance of a duty imposed by, Part 9.
29

1 **10. Section 14 replaced**

2 Delete section 14 and insert:

3

4 **14. Minister to consult local governments before**
5 **exercising certain powers in relation to Crown land**

- 6 (1) Before exercising in relation to Crown land any power
7 conferred by this Act (other than Part 5), the Minister
8 must, unless it is impracticable to do so, consult the
9 local government of the district in which the Crown
10 land is situated concerning the proposed exercise of
11 power.
- 12 (2) For the purposes of subsection (1), the Minister
13 consults the local government if the Minister —
- 14 (a) gives written notice of the proposed exercise of
15 power to the local government; and
- 16 (b) in the notice invites the local government to
17 provide comments on the proposed exercise of
18 power within 42 days after the date of the
19 notice; and
- 20 (c) considers any comments received within the
21 42-day period referred to in paragraph (b) or
22 any longer period allowed under subsection (3).
- 23 (3) The Minister may, on application by the local
24 government, allow a longer period for comments in
25 response to a notice given under subsection (2).
26

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1 **11. Section 22 replaced**

2 Delete section 22 and insert:

3

4 **22. Interest or caveat to continue despite change in**
5 **status of Crown land**

6 (1) In this section —

7 *reserve excision order* means an order made under
8 section 42(3), 43(1)(a) or (c), 45(2) or 51(1) or (2) that
9 excises an area from a reserve.

10 (2) An interest or caveat to which Crown land is subject
11 continues if the Crown land —

12 (a) is, or ceases to be, reserved under section 41; or

13 (b) is, or ceases to be, dedicated, reserved, set apart
14 or vested under another written law.

15 (3) Despite subsection (2), if Crown land ceases to be
16 reserved under section 41 as the result of a reserve
17 excision order, an interest or caveat to which the
18 Crown land is subject is extinguished, on registration
19 of the reserve excision order, unless —

20 (a) the interest or caveat only applies to the Crown
21 land; and

22 (b) the reserve excision order specifies that the
23 interest or caveat continues.

24 (4) If a lease continues under this section, the Minister
25 may, with the consent of the lessee, vary the terms of
26 the lease and must, if the Minister does so, lodge that
27 variation with the Registrar.

28 (5) The continuation of an interest or caveat under this
29 section is subject to the other provisions of this Act.
30

1 **12. Section 23 amended**

2 (1) In section 23(1):

3 (a) delete “of, or to subdivide under section 27,” and insert:

4

5 of

6

7 (b) delete the passage that begins with “incorporating a
8 plan” and ends with “pay compensation.” and insert:

9

10 make any adjustment to those boundaries the Minister
11 considers necessary, in accordance with a plan of survey
12 or sketch plan specified in the order, without any
13 obligation to make or pay compensation.

14

15 (2) In section 23(2) delete the passage that begins with “approval
16 by” and ends with “sketch plan,” and insert:

17

18 registration of an order referred to in subsection (1),

19

20 Note: The heading to amended section 23 is to read:

21 **Adjustment of boundaries of Crown land for purposes of survey**
22 **or resurvey**

23 **13. Section 26A amended**

24 In section 26A(1) delete “diagram or plan of survey” and insert:

25

26 plan of survey or sketch plan

27

28 Note: The heading to amended section 26A is to read:

29 **Names of roads and areas in new subdivision**

s. 14

1 **14. Section 27 amended**

2 (1) Delete section 27(1) and insert:

3

4 (1) The Minister may —

5 (a) subdivide, develop, or subdivide and develop,
6 Crown land; and

7 (b) cause funds to be expended on —

8 (i) that subdivision, development, or
9 subdivision and development; and

10 (ii) marketing, planning, surveying and
11 related activities for the purposes of that
12 subdivision, development, or
13 subdivision and development.
14

15 (2) Delete section 27(3) and (4) and insert:

16

17 (3) The Minister may, by order —

18 (a) for the purposes of subsection (1)(a), subdivide
19 Crown land in accordance with the whole or
20 any part of a plan of survey or sketch plan that
21 shows a proposed subdivision of the land and is
22 specified in the order; and

23 (b) dedicate as a road any Crown land delineated
24 and shown on the plan of survey or sketch plan
25 referred to in paragraph (a) as a new road or an
26 extension or widening of a road.

27 (4) Land subdivided under subsection (3)(a) or dedicated
28 under subsection (3)(b) is subject to any encumbrances
29 specified in the order.
30

31 Note: The heading to amended section 27 is to read:

32 **Subdivision and development of Crown land**

1 **15. Section 28 deleted**

2 Delete section 28.

3 **16. Section 29 amended**

4 In section 29(1)(a) delete “section 27(1)” and insert:

5

6 section 27(3)(a)

7

8 **17. Section 30 amended**

9 (1) In section 30(1)(a) before “public” insert:

10

11 relevant

12

13 (2) Delete section 30(2) and insert:

14

15 (2) In this section —

16 *relevant public authority* means —

17 (a) a department of the Public Service; or

18 (b) an organisation as defined in the *Public Sector*
19 *Management Act 1994* section 3(1).

20

21 **18. Section 35 amended**

22 (1) In section 35(1)(b) delete “freehold of” and insert:

23

24 freehold in

25

s. 18

- 1 (2) In section 35(2) delete “giving to him or her of” and insert:
2
3 respondent is given
4
- 5 (3) Delete section 35(4) and insert:
6
- 7 (4) On the registration of an order made under
8 subsection (3) in respect of an interest in Crown land,
9 the interest is forfeited to the State.
- 10 (4A) On the registration of an order made under
11 subsection (3) in respect of the freehold in land (other
12 than land to which subsection (4B) applies) —
13 (a) the freehold is forfeited to the State; and
14 (b) at the election of the Minister —
15 (i) the freehold in the land is held by the
16 Minister, in the name of the State; or
17 (ii) the land becomes Crown land.
- 18 (4B) On the registration of an order made under
19 subsection (3) in respect of the freehold in land that is
20 subdivided by a leasehold scheme —
21 (a) the freehold is forfeited to the State; and
22 (b) the land remains subdivided; and
23 (c) the freehold reversion in the land is held by the
24 Minister, in the name of the State, until the
25 termination of the leasehold scheme, when, at
26 the election of the Minister —
27 (i) the freehold in the land is held by the
28 Minister, in the name of the State; or
29 (ii) the land becomes Crown land.

- 1 (4C) On the registration of an order made under
2 subsection (3) —
- 3 (a) any moneys paid to the Minister in respect of
4 the relevant interest or freehold cannot be
5 recovered by the respondent; and
- 6 (b) any improvements made by the respondent on
7 the land to which the relevant interest or
8 freehold relates become the property of the
9 Crown.
- 10
- 11 (4) In section 35(5)(a)(i) delete “caveat or other interest” (each
12 occurrence) and insert:
13
- 14 other interest or caveat
15
- 16 (5) In section 35(6) delete “Crown”.
- 17 (6) In section 35(8)(a) delete “subsection (4)(a)” and insert:
18
- 19 subsection (4), (4A)(a) or (4B)(a)
20
- 21 (7) In section 35(9) delete “by the Minister of his or her” and insert:
22
- 23 of the Minister’s
24
- 25 (8) In section 35(10):
26 (a) delete “caveat or other interest that” and insert:
27
- 28 other interest or caveat
29

s. 19

- 1 (b) delete “unallocated Crown land” and insert:
2
3 alienated land or unallocated Crown land, as the case
4 requires,
5
- 6 (9) In section 35(10A) delete “subsection (4)(a)(iii),” and insert:
7
8 subsection (4B)(c),
9
- 10 (10) In section 35(11) delete “freehold of,” and insert:
11
12 freehold in,
13
- 14 **19. Section 42 amended**
- 15 (1) In section 42(3) delete “subsection (5),” and insert:
16
17 subsections (5) and (6),
18
- 19 (2) In section 42(4) delete “subsection (5)” and insert:
20
21 subsections (5) and (6)
22
- 23 (3) After section 42(5) insert:
24
- 25 (6) Before acting under subsection (3) or (4) in relation to
26 a managed reserve, the Minister must consult the
27 management body of the reserve in accordance with
28 section 46A.
29

1 **20. Section 45 amended**

2 (1) In section 45(2) delete “If” and insert:

3

4 Subject to subsections (5) and (5A), if

5

6 (2) In section 45(4) delete “subsection (5),” and insert:

7

8 subsections (5) and (5A),

9

10 (3) After section 45(5) insert:

11

12 (5A) Before acting under subsection (2) or (4) in relation to
13 a managed reserve, the Minister must consult the
14 management body of the reserve in accordance with
15 section 46A.

16

17 **21. Section 46 amended**

18 (1) In section 46(2) delete “reserve,” and insert:

19

20 reserve to which this subsection applies,

21

22 (2) After section 46(2) insert:

23

24 (2A) Subsection (2) applies to an interest within a reserve if
25 the interest —

26 (a) was granted by the management body of the
27 reserve; or

28 (b) resulted from a transaction to which the
29 management body of the reserve was a party.

30

s. 22

1 **22. Section 46A inserted**

2 After section 46 insert:

3

4 **46A. Consultation with management body**

5 (1) For the purposes of sections 42(6), 45(5A) and 51(3),
6 the Minister must —

7 (a) give written notice of the proposed action to the
8 management body; and

9 (b) in the notice invite the management body to
10 make submissions on the proposed action
11 within 42 days after the date of the notice; and

12 (c) consider any submission received within the
13 42-day period referred to in paragraph (b) or
14 any longer period allowed under subsection (2).

15 (2) The Minister may, on application by the management
16 body, allow a longer period for submissions in
17 response to a notice given under subsection (1).

18

19 **23. Section 50 amended**

20 (1) In section 50(1)(b) delete “management plan which applies to
21 its managed reserve or does not submit a management” and
22 insert:

23

24 plan approved under section 49(4) that applies to its managed
25 reserve or does not submit a

26

27 (2) Delete section 50(2) to (4) and insert:

28

29 (2) In the absence of agreement or non-compliance
30 referred to in subsection (1), the Minister may by order

- 1 revoke a management order if the Minister considers
2 that the revocation is —
- 3 (a) in the public interest; or
4 (b) necessary for the purposes of a public work.
- 5 (3) Despite the revocation of a management order under
6 subsection (1) or (2), an interest in, or caveat in respect
7 of, the reserve to which the management order applied
8 continues, subject to this Act, if the order revoking the
9 management order specifies that the interest or caveat
10 continues.
- 11 (4) An interest in, or caveat in respect of, a reserve that is
12 not continued under subsection (3) is extinguished on
13 registration of the order revoking the management
14 order.
- 15 (4A) In subsections (3) and (4) —
16 *interest* includes —
- 17 (a) an interest as defined in section 151(1) (other
18 than native title rights and interests as defined
19 in that provision); and
20 (b) an interest under the *Public Works Act 1902*.
- 21
- 22 (3) In section 50(5) delete “in existence by subsection (4).” and
23 insert:
24
- 25 under subsection (3).
26
- 27 (4) In section 50(7) after “(2),” insert:
28
- 29 (3),
30

s. 24

1 **24. Section 51 amended**

2 (1) In section 51:

3 (a) delete “Subject” and insert:

4

5 (1) Subject

6

7 (b) delete “purpose of” and insert:

8

9 purpose of, reduce the area of, excise an area from

10

11 (2) At the end of section 51 insert:

12

13 (2) Without limiting subsection (1), the Minister may by
14 order excise an area from a managed reserve (other
15 than a class A reserve or a reserve referred to in
16 section 45(2)) if the Minister considers that the
17 excision is —

18 (a) in the public interest; or

19 (b) necessary for the purposes of a public work.

20 (3) Before acting under subsection (2) in relation to a
21 managed reserve, the Minister must consult the
22 management body of the reserve in accordance with
23 section 46A.

24

25 Note: The heading to amended section 51 is to read:

26 **Minister’s powers to cancel, change purpose of or otherwise**
27 **affect reserve**

1 **25. Section 51AA inserted**

2 After section 51 insert:

3

4 **51AA. Compensation provisions**

5 (1) In this section —

6 *excision order* means an order made under
7 section 42(3), 43(1)(a) or (c), 45(2) or 51(2) that
8 excises an area from a managed reserve;

9 *relevant interest* means —

10 (a) in relation to an excision order — an interest
11 that is extinguished under section 22(3) on
12 registration of the excision order; or

13 (b) in relation to a revocation order — an interest
14 that is extinguished under section 50(4) on
15 registration of the revocation order;

16 *revocation order* means an order made under
17 section 50(2).

18 (2) On the registration of an excision order in relation to a
19 reserve, the management body of the reserve may,
20 unless it is a State instrumentality, claim compensation
21 under section 204(1) for any structure erected or
22 improvement made, in accordance with the terms of the
23 management order, by the management body on the
24 land excised from the reserve, as if the excision order
25 were a taking order under Part 9.

26 (3) On the registration of a revocation order in relation to a
27 reserve, the former management body of the reserve
28 may, unless it is a State instrumentality, claim
29 compensation under section 204(1) for any structure
30 erected or improvement made, in accordance with the
31 terms of the revoked management order, by the former

s. 26

- 1 management body on the reserve, as if the revocation
2 order were a taking order under Part 9.
- 3 (4) On the registration of an excision order or revocation
4 order, the holder of a relevant interest may claim
5 compensation for the interest under section 202 as if
6 the excision order or revocation order were a taking
7 order under Part 9 in respect of the interest.
- 8 (5) A management body, former management body or
9 holder of a relevant interest is not otherwise entitled to
10 compensation in respect of the excision of an area from
11 a managed reserve or the revocation of a management
12 order.
- 13 (6) Part 10 applies, with all necessary changes, to a claim
14 for compensation authorised by this section.
15

16 **26. Section 54 deleted**

17 Delete section 54.

18 **27. Section 55 amended**

- 19 (1) In section 55(1) delete the passage that begins with
20 “subsection —” and ends with “so revested.” and insert:
21
22 subsection revested in the Crown.
23
- 24 (2) Delete section 55(3)(b) and insert:
25
- 26 (b) does not affect —
27 (i) the functions of a local government in
28 respect of a road of which it has the
29 care, control and management; or

1 (ii) any encumbrances to which land
2 comprising a road is subject under
3 section 27(4) or 56(3A) or the *Planning*
4 *and Development Act 2005*
5 section 168(10).
6

7 (3) In section 55(4) delete “private”.

8 (4) After section 55(4) insert:
9

10 (5) If land comprising a road is in the DBNGP corridor,
11 the operation of subsections (1) and (2) does not affect
12 State corridor rights or other rights conferred under the
13 *Dampier to Bunbury Pipeline Act 1997* in respect of
14 that land.
15

16 **28. Section 56 amended**

17 (1) In section 56(3):

18 (a) delete “delivered to him or her”;

19 (b) in paragraph (b) delete “such matters as he or she thinks
20 fit to mention” and insert:

21

22 any matters the Minister specifies
23

24 (2) After section 56(3) insert:
25

26 (3A) Land dedicated under subsection (3)(a) is subject to
27 any encumbrances specified in the order.
28

29 (3) In section 56(5)(a) delete “unallocated”.

30 (4) In section 56(6) delete “referred to in subsection (1)(b) or (c)”.

s. 29

1 **29. Section 57 amended**

2 In section 57(2) after “section 58” insert:

3

4 or 58A

5

6 **30. Section 58 replaced**

7 Delete section 58 and insert:

8

9 **58. Closure of road at request of local government**

10 (1) If a local government considers that a road in its
11 district should be closed permanently, the local
12 government may, in accordance with the regulations,
13 request the Minister to close the road.

14 (2) After receiving a request under subsection (1), the
15 Minister may —

16 (a) by order grant the request; or

17 (b) direct the local government to reconsider the
18 request, having regard to any matters the
19 Minister specifies in the direction; or

20 (c) refuse the request.

21 (3) If the Minister makes an order under subsection (2)(a)
22 in relation to a road —

23 (a) the road is closed on and from the day on which
24 the order is registered; and

25 (b) any rights suspended under section 55(3)(a)
26 cease to be so suspended.

- 1 (4) The closure of a road under this section does not
2 affect —
- 3 (a) any encumbrances to which the land that
4 comprised the road was subject when the road
5 was closed; or
- 6 (b) if the land that comprised the road is in the
7 DBNGP corridor — State corridor rights or
8 other rights conferred under the *Dampier to*
9 *Bunbury Pipeline Act 1997* in respect of that
10 land.
- 11 (5) The regulations may —
- 12 (a) prescribe procedures to be followed by a local
13 government before making a request under
14 subsection (1), including procedures for the
15 publication of a proposed request and
16 consultation; and
- 17 (b) require a request under subsection (1) to
18 include prescribed information; and
- 19 (c) require a request under subsection (1) to be
20 accompanied by prescribed information or a
21 prescribed document.

22 **58A. Closure of road on Minister’s own initiative**

- 23 (1) The Minister may by order close a road in the district
24 of a local government if the Minister considers that the
25 road should be closed permanently.
- 26 (2) Before making an order under subsection (1) the
27 Minister must —
- 28 (a) give written notice of the proposed closure to
29 the local government and in the notice invite
30 the local government to make submissions on
31 the proposed closure within 35 days after the
32 date of the notice; and

s. 30

- 1 (b) advertise the proposed closure in the prescribed
2 manner and in the advertisement invite
3 members of the public to make submissions on
4 the proposed closure within 35 days after the
5 date of the advertisement; and
- 6 (c) consider submissions received —
- 7 (i) from the local government within the
8 35-day period referred to in
9 paragraph (a); and
- 10 (ii) from members of the public within the
11 35-day period referred to in
12 paragraph (b); and
- 13 (ii) from the local government or members
14 of the public within any longer period
15 allowed under subsection (3).
- 16 (3) The Minister may, on application by the local
17 government or a member of the public (as the case
18 requires), allow a longer period for submissions in
19 response to a notice given under subsection (2)(a) or an
20 advertisement under subsection (2)(b).
- 21 (4) If the Minister makes an order under subsection (1) in
22 relation to a road —
- 23 (a) the road is closed on and from the day on which
24 the order is registered; and
- 25 (b) any rights suspended under section 55(3)(a)
26 cease to be so suspended.
- 27 (5) The closure of a road under this section does not
28 affect —
- 29 (a) any encumbrances to which the land that
30 comprised the road was subject when the road
31 was closed; or

- 1 (b) if the land that comprised the road is in the
2 DBNGP corridor — State corridor rights or
3 other rights conferred under the *Dampier to*
4 *Bunbury Pipeline Act 1997* in respect of that
5 land.
6

7 **31. Section 59 amended**

8 In section 59(5)(a) delete “section 58(6)” and insert:
9

10 section 58(4)
11

12 **32. Section 64 amended**

13 In section 64(1)(d) delete “diagram or plan incorporated” and
14 insert:
15

16 plan of survey or sketch plan specified
17

18 **33. Section 65 amended**

19 In section 65(3) delete “diagram or plan incorporated” and
20 insert:
21

22 plan of survey or sketch plan specified
23

24 **34. Section 75 amended**

25 After section 75(4) insert:
26

- 27 (4A) If the holder of the freehold in conditional tenure land
28 fails to use that land for the specified use and the
29 Minister considers that the failure is unreasonable in all

s. 35

1 the circumstances, subsection (4) applies as if the
2 failure were a breach of the conditions concerning the
3 specified use of that land.
4

5 **35. Section 79 amended**

6 (1) In section 79(1) delete “Subject to Part 7, the” and insert:
7

8 The
9

10 (2) In section 79(4) delete “term of a lease, other than a pastoral
11 lease, having effect under this Act or vary the provisions of
12 such” and insert:
13

14 term, or vary the provisions, of
15

16 (3) After section 79(5) insert:
17

18 (6) The operation of this section is subject to Parts 6A
19 and 7.
20

21 **36. Section 81 amended**

22 After section 81(3) insert:
23

24 (4) Subsections (2) and (3) do not apply to the surrender of
25 a pastoral lease.
26

1 **37. Section 81A inserted**

2 At the end of Part 6 Division 3 insert:

3

4 **81A. Removal of expired registered leases from**
5 **certificate of Crown land title**

6 (1) In this section —

7 *term*, in relation to a registered lease, includes any
8 period for which the lease was extended under
9 section 79(4) or renewed under an option to renew.

10 (2) This section applies if —

11 (a) at least 12 months have passed since the expiry
12 of the term of a registered lease; and

13 (b) the Minister is satisfied that —

14 (i) the former lessee is no longer in
15 occupation of the land that was the
16 subject of the lease; and

17 (ii) there is no ongoing tenancy
18 arrangement between the former lessor
19 and the former lessee; and

20 (iii) the former lessor is no longer collecting
21 rent from the former lessee; and

22 (iv) any other requirements prescribed for
23 the purposes of this paragraph have
24 been met.

25 (3) The Minister may direct the Registrar to remove from
26 the certificate of Crown land title or qualified
27 certificate of Crown land title on which the lease is
28 registered —

29 (a) the lease; and

30 (b) any encumbrance registered in respect of the
31 lease.

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- 1 (4) The Registrar must comply with a direction given
2 under subsection (3).
3

4 **38. Section 87 amended**

5 In section 87(3)(c) delete “that Part” and insert:
6

7 Part 10
8

9 **39. Section 89 amended**

10 In section 89(1) before “pastoral” insert:
11

12 diversification lease or
13

14 **40. Section 92 amended**

15 (1) In section 92(1) delete “granted under this Part”.

16 (2) Delete section 92(2) and insert:
17

18 (2) Subsection (1) does not apply to a lease if —

- 19 (a) the lease is a pastoral lease; or
20 (b) the lease contains express provision to the
21 contrary; or
22 (c) the lease is renewed under an option to renew
23 the lease; or
24 (d) the relevant Crown land is transferred in fee
25 simple to the lessee; or
26 (e) immediately after the termination of the lease, a
27 new lease held by the same lessee commences
28 over the relevant Crown land.
29

1 **41. Part 6A inserted**

2 After section 92 insert:

3

4 **Part 6A — Diversification leases**

5 **Division 1 — Application of Part**

6 **92A. Leases to which this Part applies**

7 This Part does not apply to a lease unless the lease
8 specifies that it is granted under section 92B.

9 **Division 2 — Grant of diversification lease**

10 **92B. Minister's powers as to grant of diversification lease**

11 (1) The Minister may grant a lease (a *diversification lease*)
12 over Crown land in accordance with Part 6 and this
13 Part.

14 (2) A diversification lease may be granted for any purpose
15 or purposes.

16 **Division 3 — Conditions of diversification lease**

17 **92C. Provisions that can be included in diversification
18 lease**

19 (1) The Minister may include in a diversification lease any
20 terms, reservations, conditions, covenants or penalties
21 not inconsistent with this Act.

22 (2) A diversification lease may include 1 or more options
23 to renew the lease.

24 (3) A diversification lease cannot include an option to
25 purchase the fee simple of the Crown land leased.

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1 (4) The Minister may, when granting a diversification
2 lease or at any time during the term of a diversification
3 lease, identify in the diversification lease any land
4 under the lease for the purposes of the *Mining Act 1978*
5 section 20(5AA).

6 (5) Subsection (4) does not limit the power of the Minister
7 under section 79(4) to vary the provisions of a
8 diversification lease.

9 **92D. Non-exclusive possession of land under**
10 **diversification lease**

11 A diversification lease does not confer a right of
12 exclusive possession on the diversification lessee.

13 **92E. Reservation in favour of Aboriginal persons**

14 Aboriginal persons may at all times enter upon any
15 unenclosed and unimproved parts of the land under a
16 diversification lease to seek their sustenance in their
17 accustomed manner.

18 **92F. Diversification lessee's duties as to leased land**

19 (1) A diversification lessee must, to the satisfaction of the
20 Minister, manage the land under the lease using
21 methods of best environmental management practice
22 appropriate to the area where the land is situated,
23 having regard to the permitted use or uses of the land.

24 (2) Without limiting subsection (1), a diversification lessee
25 must, to the satisfaction of the Minister —

26 (a) maintain the condition of land under the lease;
27 and

28 (b) take measures to prevent or mitigate the effects
29 of land degradation (as defined in the *Soil and*
30 *Land Conservation Act 1945* section 4) on land
31 under the lease.

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Division 4 — Forfeiture of diversification lease

92G. Issue of forfeiture notice

If the Minister is satisfied that a diversification lessee has failed to comply with a provision of this Act or of the lease, the lease is liable to forfeiture under section 35 as if that failure to comply were the breach of a condition or covenant referred to in that section.

92H. Criminal liability not affected by forfeiture

- (1) The liability of any person to be prosecuted for an offence against this Act or the *Soil and Land Conservation Act 1945* is not affected by the forfeiture of a diversification lease to which the offence related.
- (2) The liability of any person to the forfeiture of a diversification lease is not affected by the imposition of a penalty for an offence in relation to a matter to which the liability to forfeiture related.

Division 5 — Notification of certain soil conservation notices

92I. Commissioner to notify Minister of certain soil conservation notices

Without affecting or limiting the powers of the Commissioner in relation to diversification leases, before issuing a soil conservation notice that relates to land under a diversification lease the Commissioner must notify the Minister in writing of the terms of the proposed notice.

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1 **42. Section 93 amended**

2 (1) In section 93 delete the definitions of:

3 ***Board***

4 ***Commissioner***

5 ***soil conservation notice***

6 (2) In section 93 insert in alphabetical order:

7
8 ***approved land management accreditation system***
9 means a land management accreditation system
10 approved by the Minister under section 100C(2);

11 ***certified pastoral lessee*** means a pastoral lessee who is
12 currently certified under an approved land management
13 accreditation system that applies to the lease;

14 ***land condition standards*** has the meaning given in
15 section 100A(1);

16 ***land management accreditation system*** has the
17 meaning given in section 100C(1);

18 ***land management guidelines*** has the meaning given in
19 section 100A(3);

20 ***permitted stock*** means —

21 (a) authorised stock; and

22 (b) prohibited stock for which a permit has been
23 issued under section 122A;

24
25 (3) In section 93 in the definition of ***prohibited stock*** delete
26 “stock;” and insert:

27
28 stock.
29

1 **43. Section 97 amended**

2 (1) In section 97(1):

3 (a) in paragraph (d) delete “from among persons” and
4 insert:

5

6 on the recommendation of the Minister administering
7 the *Environmental Protection Act 1986*, and is to be a
8 person

9

10 (b) in paragraph (e) delete “from among Aboriginal
11 persons” and insert:

12

13 on the recommendation of the Minister administering
14 the *Aboriginal Affairs Planning Authority Act 1972*, and
15 is to be an Aboriginal person

16

17 (2) In section 97(3) delete “to whom he or she is” and insert:

18

19 for whom they are

20

21 **44. Section 99 amended**

22 (1) In section 99(2) delete “person” and insert:

23

24 member

25

26 (2) Delete section 99(3) and (4).

1 **45. Part 7 Division 2A inserted**

2 After Part 7 Division 2 insert:

3

4 **Division 2A — Standards, guidelines and accreditation**
5 **systems**

6 **100A. Land condition standards and land management**
7 **guidelines**

- 8 (1) The Board may issue standards (*land condition*
9 *standards*) setting out benchmarks and objectives in
10 relation to the condition of land held under pastoral
11 leases.
- 12 (2) The Board must consult the Commissioner before —
13 (a) issuing land condition standards; or
14 (b) amending or revoking land condition standards.
- 15 (3) The Board may issue guidelines (*land management*
16 *guidelines*) that provide guidance on best practice for
17 the management of land held under pastoral leases.
- 18 (4) The purpose of land condition standards and land
19 management guidelines is —
20 (a) to assist the Board and the Minister in the
21 performance of functions under this Part; and
22 (b) to provide information and guidance to pastoral
23 lessees and other persons or bodies that might
24 be affected by, or have an interest in, decisions
25 under this Part; and
26 (c) to assist in the development of land
27 management accreditation systems to be
28 approved by the Minister under section 100C.

- 1 (5) Without limiting subsections (1) and (3), land
2 condition standards and land management guidelines
3 may —
4 (a) apply to all pastoral leases or to pastoral leases
5 in a particular region of the State or of a
6 particular class; or
7 (b) make different provision in relation to pastoral
8 leases in different regions of the State or
9 pastoral leases of different classes.
- 10 (6) The powers conferred on the Board under
11 subsection (1) to issue land condition standards and
12 under subsection (3) to issue land management
13 guidelines include the power to amend or revoke those
14 standards and guidelines.
- 15 (7) Land condition standards and land management
16 guidelines, and any amendment to or revocation of
17 those standards or guidelines, must be published in the
18 prescribed way.

19 **100B. Regard to standards and guidelines in performance**
20 **of functions under this Part**

- 21 (1) Subject to subsection (2), the Board and the Minister
22 may have regard to land condition standards and land
23 management guidelines in performing functions under
24 this Part.
- 25 (2) The Board must have regard to land condition
26 standards and land management guidelines in
27 performing functions under sections 108C, 109(2)
28 and 111A(1).
- 29 (3) Nothing in subsection (1) or (2) —
30 (a) derogates from the duty of the Board or
31 Minister to exercise their discretion in a
32 particular case; or

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- 1 (b) precludes the Board or Minister from having
2 regard to matters not set out in land condition
3 standards or land management guidelines; or
4 (c) requires the Board or Minister to have regard to
5 land condition standards or land management
6 guidelines that are inconsistent with a provision
7 of this Act.

8 **100C. Minister may approve land management**
9 **accreditation systems**

- 10 (1) For the purposes of this Part, a *land management*
11 *accreditation system* is a system, participation in which
12 is voluntary, and the purpose of which is to —
13 (a) improve the condition and management of land
14 held under pastoral leases by encouraging best
15 practice in the management of the land; and
16 (b) give pastoral lessees the opportunity to
17 formally demonstrate best practice in the
18 management of land, by providing for a process
19 under which pastoral lessees can, if they meet
20 the requirements of the system, receive and
21 maintain certification under the system.
22 (2) The Minister may approve one or more land
23 management accreditation systems.
24 (3) The Minister must not approve a land management
25 accreditation system unless the Minister is satisfied that
26 the system is consistent with land condition standards
27 and land management guidelines.
28 (4) The power conferred on the Minister under
29 subsection (2) to approve a land management
30 accreditation system includes the power to revoke that
31 approval.

- 1 (5) The following must be published in the prescribed
2 way —
3 (a) notice of the approval of a land management
4 accreditation system and a document setting out
5 the approved system;
6 (b) notice of the revocation of an approval of a land
7 management accreditation system.

8 **100D. Status of standards, guidelines and approved**
9 **systems**

- 10 (1) Land condition standards, land management guidelines
11 and approved land management accreditation systems
12 are not subsidiary legislation for the purposes of the
13 *Interpretation Act 1984*.
14 (2) If there is an inconsistency between a provision of this
15 Act and a provision of land condition standards, land
16 management guidelines or an approved land
17 management accreditation system, the provision of this
18 Act prevails.
19

20 **46. Section 101 amended**

- 21 (1) Delete section 101(3).
22 (2) After section 101(5) insert:
23
24 (6) Subsections (2) and (5) do not apply in relation to the
25 following —
26 (a) a renewal or grant of a lease offered under
27 section 140;
28 (b) a grant of a lease in the circumstances referred
29 to in section 105A(1)(b).
30

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1 **47. Section 102 amended**

2 (1) In section 102(1) delete “State —” and insert:

3

4 State or by any other method that is prescribed —

5

6 (2) After section 102(1) insert:

7

8 (1A) Subsection (1) does not apply in relation to the
9 following —

10 (a) a renewal or grant of a lease offered under
11 section 140;

12 (b) a grant of a lease in the circumstances referred
13 to in section 105A(1)(b).
14

15 **48. Section 105 amended**

16 (1) Delete section 105(1) and (2) and insert:

17

18 (1) The term of a pastoral lease —

19 (a) must be specified in the lease; and

20 (b) cannot exceed 50 years, including any
21 extension under section 105A(1)(a).

22 (2) A renewal or grant of a lease offered under section 140
23 in relation to a pastoral lease (the *expiring lease*)
24 cannot be for a term greater than the term of the
25 expiring lease (including any extension granted in
26 relation to the expiring lease under
27 section 105A(1)(a)).
28

1 (2) In section 105(3) delete “most recent previous lease referred to
2 in that subsection” and insert:

3

4 expiring lease

5

6 **49. Sections 105A and 105B inserted**

7 After section 105 insert:

8

9 **105A. Extension of pastoral lease or grant of pastoral lease**
10 **for greater term**

11 (1) If the term of a pastoral lease is less than 50 years, on
12 application by the lessee the Minister may in writing —

13 (a) extend the term of the lease; or

14 (b) accept the surrender of the lease (the
15 *surrendered lease*) and grant under section 101
16 a new lease to the lessee —

17 (i) for a term greater than the term of the
18 surrendered lease; and

19 (ii) over the whole or part of the land that
20 was held under the surrendered lease;
21 and

22 (iii) on the conditions referred to in
23 subsection (2).

24 (2) For the purposes of subsection (1)(b)(iii), the new lease
25 is to be granted —

26 (a) on the standard pastoral lease conditions
27 prescribed under section 275(1)(ga) as at the
28 date that the new lease is granted; or

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- 1 (b) if no standard pastoral lease conditions are
2 prescribed, on the same conditions as the
3 conditions of the surrendered lease or on
4 different conditions.
- 5 (3) The Minister must have regard to whether a pastoral
6 lessee is a certified pastoral lessee in exercising the
7 Minister's powers under this section.
- 8 (4) The Minister must obtain the advice of the Board
9 before exercising the Minister's powers under this
10 section.
- 11 (5) If the term of a pastoral lease is extended under
12 subsection (1)(a), any sublease or other interest granted
13 under that lease continues to have effect to the extent
14 specified in the extension.
- 15 **105B. Agreements relating to extension or grant of lease**
16 **under s. 105A**
- 17 (1) The Minister may agree in writing with a pastoral
18 lessee to extend the term of a lease under
19 section 105A(1)(a), or to grant a new lease under
20 section 105A(1)(b), subject to the lessee complying
21 with conditions specified in the agreement.
- 22 (2) The conditions specified in the agreement may include
23 conditions related to ensuring that the extension of the
24 term of the lease or the grant of the new lease (as the
25 case requires) is a valid future act under, and otherwise
26 complies with, the *Native Title Act 1993*
27 (Commonwealth).
- 28 (3) Subsection (4) applies if the Minister is satisfied
29 that —
- 30 (a) the pastoral lessee has complied with the
31 conditions specified in the agreement; and

1 (b) the extension of the term of the lease or the
2 grant of the new lease (as the case requires) is a
3 valid future act under, and otherwise complies
4 with, the *Native Title Act 1993*
5 (Commonwealth).

6 (4) The Minister must extend the term of lease under
7 section 105A(1)(a) or grant a new lease under
8 section 105A(1)(b) (as the case requires), in
9 accordance with the terms of the agreement.
10

11 **50. Section 107 amended**

12 (1) Delete section 107(1) and (2).

13 (2) In section 107(3) delete “The” and insert:

14
15 A pastoral

16
17 Note: The heading to amended section 107 is to read:

18 **Improvements must be kept in good condition**

19 **51. Section 108 amended**

20 (1) In section 108(2) after “management of” insert:

21

22 permitted

23

24 (2) Delete section 108(6).

1 **52. Sections 108A to 108C inserted**

2 After section 108 insert:

3

4 **108A. Board may direct pastoral lessee to submit**
5 **management plan**

- 6 (1) This section applies if the Board is satisfied that a
7 pastoral lessee —
- 8 (a) is not managing the land under the lease, or
9 permitted stock on that land, in accordance with
10 this Part, in particular section 108; or
 - 11 (b) has contravened any condition of the lease that
12 relates to the use or management of land or the
13 management of permitted stock under the lease.
- 14 (2) If this section applies, the Board may give a written
15 direction to the lessee to submit to the Board a plan (a
16 ***management plan***) in relation to any of the
17 following —
- 18 (a) the improvement of the condition of land under
19 the lease;
 - 20 (b) the implementation of specified pastoral and
21 environmental management practices;
 - 22 (c) any monitoring and assessment of the condition
23 of land under the lease the lessee is directed to
24 undertake under section 108C(2);
 - 25 (d) the control of any declared pest, in accordance
26 with the *Biosecurity and Agriculture*
27 *Management Act 2007*;
 - 28 (e) the remediation and management of soil
29 erosion;
 - 30 (f) the construction, repair and maintenance of
31 improvements;

1 (g) the management of permitted stock on the land.

2 **108B. Submission, approval and implementation of**
3 **management plan**

4 (1) If the Board directs a pastoral lessee under
5 section 108A(2) to submit a management plan to the
6 Board, the lessee must submit the management plan by
7 the date specified in the direction.

8 (2) The Board may —

9 (a) approve the management plan; or

10 (b) require the lessee to make specified
11 amendments to the management plan and
12 resubmit it to the Board.

13 (3) The lessee must comply with a requirement made
14 under subsection (2)(b).

15 (4) The lessee must implement the management plan
16 approved by the Board.

17 (5) The lessee must submit to the Board a report on the
18 lessee's implementation of the management plan —

19 (a) in the manner and within the timeframes set out
20 in the management plan; and

21 (b) at other times directed by the Board.

22 (6) The Board may, with the agreement of the lessee,
23 approve amendments to the management plan.

24 **108C. Board may direct pastoral lessee to monitor and**
25 **report land condition**

26 (1) This section applies if the Board is satisfied that a
27 pastoral lessee —

28 (a) is not managing the land under the lease, or
29 permitted stock on that land, in accordance with
30 this Part, in particular section 108; or

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- 1 (b) has contravened any condition of the lease that
2 relates to the use or management of land or the
3 management of permitted stock under the lease.
- 4 (2) If this section applies, the Board may give a written
5 direction to the lessee —
- 6 (a) to monitor and assess the condition of land
7 under the lease in accordance with the
8 regulations; and
- 9 (b) to submit to the Board, on or before the date or
10 dates in each year specified in the direction, a
11 report relating to the condition of land under
12 the lease that —
- 13 (i) contains the information specified in the
14 direction; and
- 15 (ii) presents that information in the manner
16 specified in the direction.
- 17 (3) A direction under subsection (2) may be given in
18 conjunction with a direction under section 108A(2) or
19 at any other time.
- 20 (4) A pastoral lessee must comply with a direction given to
21 the lessee under subsection (2).
- 22 (5) A pastoral lessee must not, without reasonable excuse,
23 fail to submit a report referred to in subsection (2)(b) in
24 accordance with a direction given to the lessee under
25 subsection (2).
- 26 Penalty for this subsection:
- 27 (a) a fine of \$4 000;
- 28 (b) a daily penalty of a fine of \$400 for each day
29 or part of a day during which the offence
30 continues.

1 (6) A pastoral lessee must not provide information in a
2 report referred to in subsection (2)(b) knowing the
3 information to be false or misleading in a material
4 particular.

5 Penalty for this subsection: imprisonment for
6 12 months or a fine of \$15 000.
7

8 **53. Section 111 amended**

9 (1) Delete section 111(1), (2) and (5).

10 (2) In section 111(6):

11 (a) after “If” insert:

12

13 authorised

14

15 (b) delete “stock after the commencement day,” and insert:

16

17 stock,

18

19 (c) delete “the stock” and insert:

20

21 the authorised stock

22

23 (3) Delete section 111(7) and (8).

24 Note: The heading to amended section 111 is to read:

25

Pests and prohibited stock on leased land

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1 **54. Sections 111A and 111B inserted**

2 After section 111 insert:

3

4 **111A. Board may make determinations and directions as**
5 **to number and distribution of stock**

- 6 (1) The Board may from time to time determine the
7 minimum and maximum numbers and the distribution
8 of permitted stock to be carried on land under a
9 pastoral lease.
- 10 (2) The Board must give the pastoral lessee written notice
11 of a determination under subsection (1).
- 12 (3) The Board may give a written direction to a pastoral
13 lessee to remove a specified number of permitted stock
14 from land under the pastoral lease by the day specified
15 in the direction.
- 16 (4) A determination under subsection (1) or direction
17 under subsection (3) must be based on the Board's
18 assessment of the sustainable carrying capacity of the
19 land and have regard to seasonal factors.
- 20 (5) Unless section 112(1) applies, a pastoral lessee must
21 comply with —
- 22 (a) a determination notice of which is given to the
23 lessee under subsection (2); and
- 24 (b) a direction given to the lessee under
25 subsection (3).

26 **111B. Board may require evidence of compliance with**
27 **s. 111A**

- 28 (1) The Board may give a written direction to a pastoral
29 lessee to provide, by the day specified in the direction,
30 any evidence of the lessee's compliance with
31 section 111A(5) that is specified in the direction.

1 (2) A pastoral lessee must not, without reasonable excuse,
2 fail to comply with a direction given to the lessee under
3 subsection (1).

4 Penalty for this subsection:

- 5 (a) a fine of \$4 000;
6 (b) a daily penalty of a fine of \$400 for each day
7 or part of a day during which the offence
8 continues.

9 (3) A pastoral lessee must not provide information in
10 accordance with a direction given to the lessee under
11 subsection (1) knowing the information to be false or
12 misleading in a material particular.

13 Penalty for this subsection: imprisonment for
14 12 months or a fine of \$15 000.
15

16 **55. Section 112 amended**

17 (1) Delete section 112(1) and insert:
18

19 (1) If a soil conservation notice is issued as to the numbers
20 or distribution of permitted stock on land under a
21 pastoral lease, the notice has the effect while it is in
22 force of suspending the following to the extent of any
23 inconsistency —

- 24 (a) a determination notice of which is given to the
25 lessee under section 111A(2);
26 (b) a direction given to the lessee under
27 section 111A(3);
28 (c) the operation of a permit issued under
29 Division 5.
30

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1 (2) Delete section 112(3).

2 Note: The heading to amended section 112 is to read:

3 **Effect of soil conservation notice on determinations and**
4 **directions under s. 111A and permits under Div. 5**

5 **56. Section 113 replaced**

6 Delete section 113 and insert:

7

8 **112A. Effect on rent if reduction in stock numbers**

9 (1) This section applies if the numbers of permitted stock
10 to be carried on land under a pastoral lease are
11 reduced —

12 (a) by a soil conservation notice; or

13 (b) by a determination notice of which is given to
14 the lessee under section 111A(2); or

15 (c) by a direction given to the lessee under
16 section 111A(3); or

17 (d) in accordance with a management plan
18 approved under section 108B.

19 (2) The Minister, on the advice of the Board, may reduce
20 the rent for the pastoral lease in proportion to the
21 reduction in permitted stock.

22 **113. Pastoral lessee to submit annual return**

23 (1) In this section —

24 ***due date*** means —

25 (a) 31 March; or

26 (b) if the regulations prescribe a different date, that
27 date;

28 ***return end date*** means —

29 (a) 31 December; or

1 (b) if the regulations prescribe a different date, that
2 date;

3 *return period*, for a pastoral lease, means —

- 4 (a) 12 months ending on the return end date; or
5 (b) if the lease is granted in that period, the period
6 commencing on the date the lease is granted
7 and ending on the return end date; or
8 (c) if the regulations prescribe a different period,
9 that period.

10 (2) A pastoral lessee must, on or before the due date in
11 each year, submit to the Board a return that relates to
12 the land under the lease, and the activities on the land,
13 during the preceding return period.

14 Penalty for this subsection:

- 15 (a) a fine of \$4 000;
16 (b) a daily penalty of a fine of \$400 for each day
17 or part of a day during which the offence
18 continues.

19 (3) The return must be in an approved form and contain
20 the following information —

- 21 (a) permitted stock numbers on the return end date;
22 (b) full particulars, including costs, of all
23 improvements effected on the land under the
24 lease in the return period;
25 (c) full particulars of the use, in the return period,
26 of each area of land affected by a permit issued
27 under Division 5;
28 (d) any other information the form requires.

29 (4) A pastoral lessee must not, without reasonable excuse,
30 fail to provide in a return any information required
31 under subsection (3).

32 Penalty for this subsection: a fine of \$4 000.

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1 (5) A pastoral lessee must not provide information in a
2 return knowing the information to be false or
3 misleading in a material particular.

4 Penalty for this subsection: imprisonment for
5 12 months or a fine of \$15 000.
6

7 **57. Section 115 amended**

8 In section 115(1) delete “issue” and insert:

9
10 issue, renewal, transfer and amendment
11

12 **58. Section 117 replaced**

13 Delete section 117 and insert:
14

15 **117. Environmental conservation requirements to be**
16 **complied with**

17 The Board must not issue a permit under this Division
18 unless —

19 (a) the Board is satisfied that any requirements that
20 apply under the following written laws in
21 relation to the activity proposed to be carried
22 out under the permit have been complied
23 with —

24 (i) the *Biodiversity Conservation Act 2016*;

25 (ii) the *Biosecurity and Agriculture*
26 *Management Act 2007*;

27 (iii) the *Environmental Protection Act 1986*;

28 (iv) the *Soil and Land Conservation*
29 *Act 1945*;

- 1 (v) any other written law relating to
2 environmental conservation that is
3 applicable to the land under the lease;
4 or
5 (b) the permit is subject to a condition that any
6 requirements that apply under the written laws
7 referred to in paragraph (a) will be complied
8 with before any activity is carried out under the
9 permit.
10

11 **59. Sections 122B to 122F inserted**

12 At the end of Part 7 Division 5 insert:
13

14 **122B. Board's power to amend permit**

15 The Board may, with the consent of the permit holder,
16 amend the terms and conditions of a permit issued
17 under this Division.

18 **122C. Renewal of permit**

- 19 (1) The holder of a permit (the *expiring permit*) under this
20 Division may apply in writing to the Board for the
21 expiring permit to be renewed.
- 22 (2) An application under subsection (1) must be made not
23 more than 12 months, and not less than 6 months,
24 before the expiry of the expiring permit.
- 25 (3) The Board may renew the expiring permit —
26 (a) for the same period as the period of the expiring
27 permit or a different period; and
28 (b) on the same conditions as the conditions of the
29 expiring permit or on different conditions.

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122D. Suspension of permit

- (1) The Board may suspend a permit issued under this Division if the Board is satisfied that —
 - (a) there has been a breach of a condition to which the permit is subject; or
 - (b) information contained in, or provided in support of, the application for the permit was false or misleading in a material particular.
- (2) Before suspending a permit, the Board must —
 - (a) give written notice to the permit holder of the grounds on which the Board intends to suspend the permit; and
 - (b) give the permit holder a reasonable opportunity to provide any information that the permit holder thinks is relevant to the decision to suspend the permit.
- (3) The Board must give a permit holder written notice of the following —
 - (a) the Board’s decision to suspend, or not suspend, the permit;
 - (b) if the permit is to be suspended —
 - (i) the day on which the suspension takes effect and the period of the suspension;
 - (ii) any conditions of the permit that the permit holder must continue to comply with during the period of the suspension;
 - (iii) any action that the permit holder must take in order for the suspension to be lifted.
- (4) The Board may lift the suspension of a permit by notice in writing given to the permit holder.

- 1 (5) The Board may extend the period of the suspension of
2 a permit by notice in writing given to the permit holder.
- 3 (6) The suspension of a permit does not affect the
4 application or operation of section 125 in relation to the
5 permit holder.
- 6 (7) The permit holder must comply with a notice under
7 subsection (3) to the extent that it is given under
8 subsection (3)(b)(ii).

9 **122E. Cancellation of permit**

- 10 (1) The Board may cancel a permit issued under this
11 Division if the Board is satisfied that —
- 12 (a) there has been a breach of a condition to which
13 the permit is subject (including a condition
14 mentioned in section 122D(3)(b)(ii)); or
- 15 (b) information contained in, or provided in
16 support of, the application for the permit was
17 false or misleading in a material particular.
- 18 (2) Before cancelling a permit, the Board must —
- 19 (a) give written notice to the permit holder of the
20 grounds on which the Board intends to cancel
21 the permit; and
- 22 (b) give the permit holder a reasonable opportunity
23 to provide any information that the permit
24 holder thinks is relevant to the decision to
25 cancel the permit.
- 26 (3) The Board must give a permit holder written notice of
27 the following —
- 28 (a) the Board's decision to cancel, or not cancel,
29 the permit;
- 30 (b) if the permit is to be cancelled — the day on
31 which the cancellation takes effect.

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1 (4) If a permit is cancelled under this section, the amount
2 of rent payable for the lease must be adjusted in
3 accordance with Division 6.

4 **122F. Permit not personal property for *Personal Property***
5 ***Securities Act 2009* (Commonwealth)**

6 If a permit issued under this Division is transferable by
7 the permit holder, in accordance with paragraph (d) of
8 the definition of *licence* in the *Personal Property*
9 *Securities Act 2009* (Commonwealth) section 10, the
10 permit is declared not to be personal property for the
11 purposes of that Act.
12

13 **60. Section 123 replaced**

14 Delete section 123 and insert:
15

16 **122G. Terms used**

17 In this Division —

18 ***commencement day*** means the day on which the *Land*
19 *and Public Works Legislation Amendment Act 2022*
20 section 60 comes into operation;

21 ***corresponding quarter***, in relation to a determination
22 under section 122H(1) or 122I(2), means the quarter in
23 the calendar year immediately preceding the calendar
24 year in which the determination is made that
25 corresponds to the previous quarter;

26 ***CPI number*** means the Consumer Price Index, All
27 Groups index number for Perth published by the
28 Australian Bureau of Statistics established by the
29 *Australian Bureau of Statistics Act 1975*
30 (Commonwealth) section 5(1);

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first CPI determination day means —

- (a) if commencement day is on or before 31 December 2023 — 31 December 2023; or
- (b) otherwise — 31 December next following commencement day;

permit rent, in relation to a pastoral lease, has the meaning given in section 124(1);

previous quarter, in relation to a determination under section 122H(1) or 122I(2), means the most recent quarter ending before the determination is made for which a CPI number is available;

previous Valuer-General determination date means —

- (a) in relation to a determination under section 123A(2) or 123B(1) made on or before 31 December 2028 — 1 July in the most recent calendar year in which the Valuer-General determined rents under section 123(4) (as in force immediately before commencement day); or
- (b) in relation to a determination under section 123A(2) or 123B(1) made after 31 December 2028 — 1 July in the most recent rent review year before the calendar year in which the determination is made;

rent review year means —

- (a) 2028; or
- (b) every 10th calendar year after that year.

122H. Minister to determine annual rent

- (1) Subject to subsection (2) and section 124A(5), on the first CPI determination day and on each 31 December after that day the Minister must determine in

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1 accordance with subsection (3) the annual rent payable
2 for each pastoral lease.

3 (2) The Minister must not make a determination under
4 subsection (1) —

5 (a) in a rent review year; or

6 (b) in respect of a lease in a calendar year in which
7 the Valuer-General makes a determination
8 under section 123A(2) in respect of the lease.

9 (3) For the purposes of subsection (1), the annual rent
10 payable for a pastoral lease must be determined using
11 the following formula —

12
$$AR = B \times \left(\frac{CPI_r}{CPI_{r-4}} \right)$$

13 where —

14 AR is the annual rent;

15 B is the base annual rent as referred to in
16 subsection (4);

17 CPI_r is the CPI number for the previous quarter;

18 CPI_{r-4} is the CPI number for the corresponding
19 quarter.

20 (4) For the purposes of subsection (3), the base annual rent
21 is —

22 (a) for a determination made on the first CPI
23 determination day, the lower of the following
24 amounts —

25 (i) the annual rent for the pastoral lease that
26 applies immediately before the
27 determination is made;

28 (ii) the average of the annual rents for the
29 pastoral lease determined by the
30 Valuer-General under section 123(4) (as

- 1 in force immediately before
2 commencement day) as at 1 July 1999
3 and as at the 1 July of each 5th year after
4 that date;
- 5 and
- 6 (b) for any other determination — the annual rent
7 for the pastoral lease that applies immediately
8 before the determination is made.
- 9 (5) A determination under subsection (1) of the annual rent
10 payable for a pastoral lease —
- 11 (a) unless subsection (6) applies, comes into effect
12 on 1 July next following the making of the
13 determination; and
- 14 (b) applies to the lease until a new determination
15 under subsection (1) or section 123(1)(a)
16 or 123A(4)(b) comes into effect in respect of
17 the lease.
- 18 (6) A determination under subsection (1) of the annual rent
19 payable for a pastoral lease does not come into effect
20 under subsection (5)(a) if, in the period between the
21 making of the determination and 1 July next following,
22 a determination under section 123A(4)(b) comes into
23 effect in respect of the lease.
- 24 (7) Subsection (5) is subject to sections 112A(2), 127,
25 134(8), 141(3) and 254.
- 26 (8) A reference in this section to the annual rent for a
27 pastoral lease does not include any permit rent
28 determined in respect of the lease by the Minister under
29 section 122I(2) or by the Valuer-General under
30 section 124(3) (whether before, on or after
31 commencement day).

- 1 (5) A determination under subsection (2) of the permit rent
2 payable in respect of a pastoral lease —
- 3 (a) unless subsection (6) applies, comes into effect
4 on 1 July next following the making of the
5 determination; and
- 6 (b) applies in addition to, and does not affect, a
7 determination under section 122H(1),
8 123(1)(a), 123A(4)(b) or 123B(3)(b); and
- 9 (c) applies until a new determination under
10 subsection (2) or section 124(3) comes into
11 effect in respect of the lease.
- 12 (6) A determination under subsection (2) of the permit rent
13 payable in respect of a pastoral lease does not come
14 into effect under subsection (5)(a) if, in the period
15 between the making of the determination and 1 July
16 next following, a determination under section 124(3)
17 comes into effect in respect of the lease.

18 **123. Valuer-General to determine annual rent at**
19 **10 yearly intervals**

- 20 (1) In each rent review year, the Valuer-General must —
- 21 (a) determine the annual rent payable for each
22 pastoral lease in accordance with
23 subsection (2); and
- 24 (b) on or before 31 December (the *determination*
25 *day*) in that year give the determination to the
26 Minister.
- 27 (2) For the purposes of subsection (1)(a), the annual rent
28 payable for a pastoral lease is the amount of ground
29 rent that, as at 1 July in the rent review year, the land
30 might reasonably be expected to realise in good
31 condition for a long-term lease for pastoral purposes
32 under which all normal outgoings are paid by the
33 lessee.

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- 1 (3) A determination under subsection (1)(a) of the annual
2 rent payable for a pastoral lease —
- 3 (a) comes into effect on 1 July next following the
4 determination day; and
- 5 (b) applies until a new determination under
6 section 122H(1) or 123A(4)(b) comes into
7 effect in respect of the lease.
- 8 (4) Subsection (3) is subject to sections 112A(2), 124A,
9 127, 134(8), 141(3) and 254.
- 10 (5) In determining the annual rent payable for a pastoral
11 lease under subsection (1)(a), the Valuer-General must
12 consult the Board about the economic state of the
13 pastoral industry.
- 14 **123A. Minister may request Valuer-General to make**
15 **interim determination of annual rent**
- 16 (1) The Minister may, at any time, request the
17 Valuer-General to make a determination under this
18 section in relation to a pastoral lease if the Minister is
19 satisfied that it is necessary or expedient to do so
20 because of —
- 21 (a) a change in the area of the land under the lease
22 since the annual rent for the lease was last
23 determined under this Division; or
- 24 (b) any other change in relation to the lease, since
25 the annual rent for the lease was last
26 determined under this Division, that the
27 Minister considers may materially affect that
28 determination.
- 29 (2) If the Minister makes a request under subsection (1) in
30 relation to a pastoral lease, the Valuer-General must in
31 accordance with subsection (3) determine a rent for the
32 lease.

- 1 (3) For the purposes of subsection (2), the rent for the lease
2 is the amount of ground rent that, as at the previous
3 Valuer-General determination date, the land might
4 reasonably be expected to realise in good condition for
5 a long-term lease for pastoral purposes under which all
6 normal outgoings are paid by the lessee.
- 7 (4) After the Valuer-General determines a rent for the
8 lease under subsection (2), the Minister must —
- 9 (a) adjust the rent in accordance with the
10 regulations to take into account changes in CPI
11 numbers since the previous Valuer-General
12 determination date; and
- 13 (b) determine that the rent so adjusted is the annual
14 rent payable for the lease.
- 15 (5) A determination under subsection (4)(b) of the annual
16 rent payable for a pastoral lease —
- 17 (a) comes into effect on a day determined by the
18 Minister, which cannot be a day that is earlier
19 than the day on which the change referred to in
20 subsection (1)(a) or (b) (as the case requires)
21 took effect; and
- 22 (b) applies until a new determination under
23 subsection (4)(b), section 122H(1) or 123(1)(a)
24 comes into effect in respect of the lease.
- 25 (6) Subsection (5) is subject to sections 112A(2), 127,
26 134(8), 141(3) and 254.

27 **123B. Determining annual rent when new pastoral lease**
28 **granted**

- 29 (1) If the Minister proposes to grant a pastoral lease under
30 section 101, the Valuer-General must in accordance
31 with subsection (2) determine a rent for the lease.

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- 1 (2) For the purposes of subsection (1), the rent for the lease
2 is the amount of ground rent that, as at the previous
3 Valuer-General determination date, the land might
4 reasonably be expected to realise in good condition for
5 a long-term lease for pastoral purposes under which all
6 normal outgoings are paid by the lessee.
- 7 (3) After the Valuer-General determines a rent for the
8 lease under subsection (1), the Minister must —
- 9 (a) adjust the rent in accordance with the
10 regulations to take into account changes in CPI
11 numbers since the previous Valuer-General
12 determination date; and
- 13 (b) determine that the rent so adjusted is the annual
14 rent payable for the lease.
- 15 (4) A determination under subsection (3)(b) of the annual
16 rent payable for a pastoral lease —
- 17 (a) comes into effect on the day on which the lease
18 is granted; and
- 19 (b) applies until a new determination under
20 section 122H(1), 123(1)(a) or 123A(4)(b)
21 comes into effect in respect of the lease.
- 22 (5) Subsection (4) is subject to sections 112A(2), 127,
23 134(8), 141(3) and 254.
- 24

25 **61. Section 124A amended**

- 26 (1) In section 124A(1) delete the definitions of:
27 ***annual rent***
28 ***determination***

- 1 (2) In section 124A(1) insert in alphabetical order:
2
- 3 *annual rent*, for a pastoral lease, means the annual rent
4 determined by the Valuer-General under
5 section 123(1)(a);
6
- 7 (3) In section 124A(2):
8 (a) delete “determination,” and insert:
9
10 determination by the Valuer-General under
11 section 123(1)(a),
12
13 (b) delete “determination.” and insert:
14
15 Valuer-General’s determination came into effect.
16
- 17 (4) Delete section 124A(4) and (5) and insert:
18
- 19 (4) Regulations made for the purposes of subsection (2)
20 must have the effect that, within a period (the *phase-in*
21 *period*) not greater than 5 years after the day on which
22 the determination by the Valuer-General under
23 section 123(1)(a) comes into effect in respect of the
24 pastoral lease, the annual rent payable for the pastoral
25 lease is an amount equal to the determined annual rent
26 adjusted in accordance with the regulations to take into
27 account changes in CPI numbers during the phase-in
28 period.
- 29 (5) The Minister must not make a determination under
30 section 122H(1) in respect of the pastoral lease during
31 the phase-in period.
32

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1 **62. Section 124 amended**

2 (1) Delete section 124(1) and (2) and insert:

3

4 (1) The Board may make it a condition of a permit issued
5 under Division 5 that the annual rent payable for the
6 pastoral lease in respect of which the permit is issued
7 includes an additional rent (the *permit rent*),
8 determined by the Valuer-General under subsection (3)
9 or the Minister under section 122I(2), in relation to that
10 part of the land under the lease that is affected by the
11 permit.

12

13 (2) In section 124(3):

14 (a) delete “a” and insert:

15

16 the permit

17

18 (b) delete “subsection (1)(b)” and insert:

19

20 subsection (1)

21

22 (3) Delete section 124(5) and insert:

23

24 (5) A determination under subsection (3) —

25 (a) comes into effect on the day on which the
26 pastoral lessee is notified of the determination;
27 and

28 (b) applies in addition to, and does not affect, a
29 determination under section 122H(1),
30 123(1)(a), 123A(4)(b) or 123B(3)(b); and

- 1 (c) applies until a new determination under
2 subsection (3) or section 122I(2) comes into
3 effect in respect of the lease.
4

5 **63. Section 125 amended**

- 6 (1) Delete section 125(1) and insert:
7

- 8 (1A) In this section —
9 *previous determination* —

- 10 (a) in relation to a determination by the
11 Valuer-General under section 123(1)(a) of the
12 annual rent, or under section 123A(2) of a rent,
13 for a pastoral lease — means the most recent
14 previous determination of annual rent for the
15 lease under this Division; and
16 (b) in relation to a determination by the
17 Valuer-General under section 124(3) of the
18 permit rent for a pastoral lease — means the
19 most recent previous determination of the
20 permit rent for the lease under this Division.

- 21 (1) A pastoral lessee must pay the rent determined under
22 this Division for a pastoral lease in accordance with the
23 lease and, if the lessee is the holder of a permit issued
24 under Division 5 that is subject to a condition of the
25 kind referred to in section 124(1), the permit.
26

- 27 (2) In section 125(2):

- 28 (a) delete “an assessment of rent or a notice has been given
29 requiring the assessment” and insert:

30
31 a determination by the Valuer-General under
32 section 123(1)(a) of the annual rent, under

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1 section 123A(2) of a rent, or under section 124(3) of the
2 permit rent, for a pastoral lease or a notice has been
3 given requiring the determination
4

5 (b) delete “assessment.” and insert:
6
7 determination.
8

9 (3) In section 125(3):

10 (a) delete “an assessment” and insert:
11

12 a determination by the Valuer-General under
13 section 123(1)(a) of the annual rent, under
14 section 123A(2) of a rent, or under section 124(3) of the
15 permit rent, for a pastoral lease
16

17 (b) after “and the” insert:
18

19 pastoral
20

21 (4) In section 125(4) after “If a” insert:
22

23 pastoral
24

25 **64. Section 126 amended**

26 In section 126:

27 (a) delete paragraph (a) and insert:
28

29 (a) a determination by the Valuer-General under
30 section 123(1)(a) of the annual rent, under
31 section 123A(2) of a rent, or under

1 section 124(3) of the permit rent, for a pastoral
2 lease; or

3

4 (b) delete “assessment or”.

5 Note: The heading to amended section 126 is to read:

6

Objections to and review of rent or value of improvements

7 **65. Section 128 replaced**

8 Delete section 128 and insert:

9

10 **128. Payment of rent may be delayed, reduced or waived**
11 **in certain cases**

12 (1) The Minister may allow a payment of rent under this
13 Division to be delayed for a specified period, reduced
14 or waived entirely —

15 (a) to take into account the occurrence of a
16 drought, fire, cyclone, flood or other disaster
17 that affects the land under 1 or more pastoral
18 leases; or

19 (b) to take into account poor economic conditions
20 in the pastoral industry; or

21 (c) in prescribed circumstances.

22 (2) The Minister may exercise the power under
23 subsection (1) —

24 (a) on the recommendation of the Board under
25 subsection (5) following an application by the
26 lessee under subsection (4) — in respect of a
27 particular pastoral lease; or

28 (b) on the Minister’s own initiative or on the
29 recommendation of the Board — in respect of
30 all pastoral leases or pastoral leases of a
31 particular class.

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- 1 (3) Before exercising the power under subsection (1) on
2 the Minister's own initiative, the Minister must consult
3 the Board.
- 4 (4) A pastoral lessee may apply to the Board for a delay,
5 reduction or waiver of a payment of rent under
6 subsection (1).
- 7 (5) If the Board is satisfied that the pastoral lessee's
8 application is reasonable in the circumstances, the
9 Board must recommend to the Minister a delay,
10 reduction or waiver that the Board considers
11 appropriate.
- 12 (6) If a pastoral lessee applies under subsection (4) for a
13 delay, reduction or waiver of a payment of rent, the
14 Board may require the lessee to provide any of the
15 following that the Board thinks necessary for proper
16 consideration of the application —
- 17 (a) if the application relates to the occurrence of a
18 disaster referred to in subsection (1)(a) —
19 evidence of the disaster and its effect on the
20 land under the pastoral lease and the lessee's
21 financial circumstances;
- 22 (b) if the application relates to the economic
23 conditions referred to in subsection (1)(b) —
24 evidence of the effect of those conditions on the
25 lessee's financial circumstances.
- 26 (7) For the purposes of subsection (6), the Board may —
- 27 (a) require the production of audited or otherwise
28 duly authenticated accounts and any other
29 records of relevant operations and transactions;
30 or
- 31 (b) require the lessee, or an agent of the lessee, to
32 verify the evidence by statutory declaration.
33

1 **66. Section 128A inserted**

2 At the beginning of Part 7 Division 7 insert:

3

4 **128A. Board may direct pastoral lessee**

5 (1) The Board may give a written direction to a pastoral
6 lessee to comply with 1 or more of the following —

7 (a) a provision of this Part;

8 (b) a provision of the lease;

9 (c) a condition of a permit issued under Division 5
10 in respect of the lease (including a condition
11 mentioned in section 122D(3)(b)(ii)).

12 (2) The direction may require the lessee —

13 (a) to do a thing in relation to any land under the
14 lease, in the manner, and by the date, specified
15 in the direction; or

16 (b) to refrain from doing a thing in relation to any
17 land under the lease.

18 (3) A pastoral lessee must comply with a direction given to
19 the lessee under subsection (1).

20 (4) A pastoral lessee must give the Board any information
21 the Board requires in order to be satisfied that the
22 lessee has complied with the direction.
23

24 **67. Section 129 amended**

25 (1) In section 129(1):

26 (a) in paragraph (c) delete “set or determination made” and
27 insert:

28

29 set, determination made, or direction given
30

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1 (b) in paragraph (ca) delete “in respect of the lease; or” and
2 insert:

3

4 under Division 5 in respect of the lease (including a
5 condition mentioned in section 122D(3)(b)(ii)); or
6

6

7 (2) In section 129(2):

8 (a) delete paragraphs (a) to (c) and insert:

9

10 (a) give details of the failure to comply; and

11 (b) if the notice relates to a failure to comply with a
12 provision of this Act or the lease, or a condition
13 of a permit, that requires something to be done
14 to the satisfaction of the Board — specify any
15 action that the Board requires the lessee to take
16 in order for the Board to be satisfied; and
17

17

18 (b) in paragraph (e) delete “paragraph (d) are to” and insert:

19

20 paragraph (b) or (d) must
21

21

22 **68. Section 131 amended**

23 In section 131:

24 (a) in paragraph (c) delete “set or determination made” and
25 insert:

26

27 set, determination made, or direction given
28

28

1 (b) in paragraph (d) delete “in respect of the lease,” and
2 insert:

3

4 under Division 5 in respect of the lease (including a
5 condition mentioned in section 122D(3)(b)(ii)),
6

7 **69. Section 134A inserted**

8 After section 134 insert:
9

10 **134A. Transfer of permits**

11 (1) This section applies if —

12 (a) the Minister approves the transfer of a pastoral
13 lessee’s interest in a pastoral lease to another
14 person (the *transferee*) under section 134; and

15 (b) the land to which the lessee’s interest relates is
16 affected by a permit issued to the lessee under
17 Division 5; and

18 (c) the transferee has written to the Board to
19 request that the permit be transferred to the
20 transferee; and

21 (d) the lessee is not in breach of any condition of
22 the permit.

23 (2) If this section applies, the Board must transfer the
24 permit to the transferee at the time of the transfer of the
25 lessee’s interest.

26 (3) The transfer of a permit under subsection (2) does not
27 affect its term or conditions.

28 (4) If the conditions in subsection (1)(a) to (c) are satisfied
29 but the condition in subsection (1)(d) is not satisfied,

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1 the Board may issue a new permit under Division 5 to
2 the transferee.
3

4 **70. Section 143 amended**

5 Delete section 143(9).

6 **71. Section 143A inserted**

7 At the beginning of Part 8 insert:
8

9 **143A. Term used: grantee**

10 In this Part —

11 *grantee*, of an easement, means —

- 12 (a) the grantee of the easement under section 144;
13 or
14 (b) if the easement is transferred under
15 section 147(2), the person to whom the
16 easement is transferred.
17

18 **72. Section 145 amended**

19 In section 145(1) delete “under section 144”.

20 **73. Section 146 replaced**

21 Delete section 146 and insert:
22

23 **146. Effect of easements granted under s. 144**

24 Subject to sections 144 and 145, an easement granted
25 under section 144 in respect of Crown land continues
26 to have effect despite —

- 27 (a) the grant of any other interest in the land; or

- 1 (b) the transfer in fee simple of the land; or
2 (c) the surrender or other extinguishment of any
3 other interest in the land.
4

5 **74. Section 147 amended**

6 (1) In section 147 delete “An” and insert:
7

8 (1) An
9

10 (2) At the end of section 147 insert:
11

12 (2) The Minister may, by order, transfer an easement
13 granted as described in subsection (1).

14 (3) If an easement is transferred under subsection (2), the
15 person holding the easement immediately before the
16 transfer is not liable for a breach of any condition to
17 which the easement is subject that occurs after the
18 transfer.
19

20 Note: The heading to amended section 147 is to read:

21 **Easements in gross may be granted under s. 144 and transferred**

22 **75. Section 150 amended**

23 In section 150(2)(a) delete “under section 144”.

24 **76. Section 151 amended**

25 In section 151(1) delete the definition of *public work* and *work*.

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1 **77. Section 170 amended**

2 In section 170(5)(b) delete “certified mail posted” and insert:

3

4 registered post (or any similar type of post that is prescribed)
5 sent

6

7 **78. Section 177 amended**

8 In section 177(5)(c) delete “certified mail posted” and insert:

9

10 registered post (or any similar type of post that is prescribed)
11 sent

12

13 **79. Section 190 amended**

14 In section 190(3)(b) delete “certified mail posted,” and insert:

15

16 registered post (or any similar type of post that is prescribed)
17 sent,

18

19 **80. Section 204 amended**

20 In section 204(1)(a) delete “an instrumentality of the State; and”
21 and insert:

22

23 a State instrumentality; and

24

1 **81. Section 213 amended**

2 In section 213(a)(ii) and (b)(ii) delete “certified mail” and
3 insert:

4
5 registered post (or any similar type of post that is prescribed)

6
7 **82. Part 10A inserted**

8 After section 258 insert:

9

10 **Part 10A — Information**

11 **Division 1 — Sharing of information**

12 **258A. Terms used**

13 In this Division —

14 *animal welfare information* means —

- 15 (a) information relating to the welfare, safety and
16 health of stock and other animals on land that is
17 under a pastoral lease, diversification lease or
18 other lease; or
- 19 (b) information relating to a contravention, or
20 suspected contravention, by the holder of a
21 pastoral lease, diversification lease or other
22 lease, of a provision of the *Animal Welfare*
23 *Act 2002* in relation to stock and other animals
24 on land that is under the lease; or
- 25 (c) information relating to any enforcement or
26 other action taken, or proposed to be taken,
27 under the *Animal Welfare Act 2002* in relation
28 to a contravention or suspected contravention
29 referred to in paragraph (b);

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- 1 **authorised officer** means —
- 2 (a) the chief executive officer of the Department;
- 3 or
- 4 (b) a person designated under section 258B for the
- 5 purposes of this Division or for the purposes of
- 6 the provision of this Division in which the term
- 7 is used;
- 8 **contact details** includes postal address, telephone
- 9 number, facsimile number and email address;
- 10 **Crown land interest holder** means the holder of —
- 11 (a) an interest in relation to Crown land; or
- 12 (b) a licence;
- 13 **designated authority** means —
- 14 (a) a public authority (other than a Minister of the
- 15 State); or
- 16 (b) a body that provides to members of the public
- 17 water services, drainage services, gas services,
- 18 electricity services or ambulance or other
- 19 emergency services; or
- 20 (c) a prescribed agency of the Commonwealth;
- 21 **guidelines** means guidelines issued under
- 22 section 258F(1);
- 23 **information sharing agency** means any of the
- 24 following —
- 25 (a) the department of the Public Service principally
- 26 assisting in the administration of the *Aboriginal*
- 27 *Affairs Planning Authority Act 1972*;
- 28 (b) the department of the Public Service principally
- 29 assisting in the administration of the *Aboriginal*
- 30 *Cultural Heritage Act 2021*;

- 1 (c) the department of the Public Service principally
2 assisting in the administration of the *Animal*
3 *Welfare Act 2002*;
- 4 (d) the department of the Public Service principally
5 assisting in the administration of the *Aquatic*
6 *Resources Management Act 2016*;
- 7 (e) the department of the Public Service principally
8 assisting in the administration of the
9 *Biodiversity Conservation Act 2016*;
- 10 (f) the department of the Public Service principally
11 assisting in the administration of the
12 *Biosecurity and Agriculture Management*
13 *Act 2007*;
- 14 (g) the department of the Public Service principally
15 assisting in the administration of the *Bush Fires*
16 *Act 1954*;
- 17 (h) the department of the Public Service principally
18 assisting in the administration of the *Dampier*
19 *to Bunbury Pipeline Act 1997*;
- 20 (i) the department of the Public Service principally
21 assisting in the administration of the
22 *Environmental Protection Act 1986*;
- 23 (j) the department of the Public Service principally
24 assisting in the administration of the *Heritage*
25 *Act 2018*;
- 26 (k) the department of the Public Service principally
27 assisting in the administration of the *Local*
28 *Government Act 1995*;
- 29 (l) the department of the Public Service principally
30 assisting in the administration of the *Marine*
31 *and Harbours Act 1981*;
- 32 (m) the department of the Public Service principally
33 assisting in the administration of the *Mining*
34 *Act 1978*;

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- 1 (n) the department of the Public Service principally
2 assisting in the administration of the *Planning*
3 *and Development Act 2005*;
- 4 (o) the department of the Public Service principally
5 assisting in the administration of the *Rights in*
6 *Water and Irrigation Act 1914*;
- 7 (p) the department of the Public Service principally
8 assisting in the administration of the *Soil and*
9 *Land Conservation Act 1945*;
- 10 (q) the Commissioner of Main Roads;
- 11 (r) the Valuer-General;
- 12 (s) the Land Information Authority;
- 13 (t) a public authority prescribed for the purposes of
14 this paragraph;

15 ***Land Information Authority*** means the Western
16 Australian Land Information Authority established by
17 the *Land Information Authority Act 2006* section 5;

18 ***land management information*** —

- 19 (a) means information relating to the use,
20 management or condition of land that is under a
21 pastoral lease, diversification lease or other
22 lease; and
- 23 (b) includes the following —
- 24 (i) information contained in a management
25 plan (whether or not that management
26 plan has been approved by the Board
27 under section 108B(2)(a));
- 28 (ii) information contained in a report
29 submitted under section 108B(5)
30 or 108C(2)(b);
- 31 (iii) information relating to activities carried
32 out under a permit issued under Part 7
33 Division 5;

- 1 (iv) information relating to improvements on
2 the land, and the condition of those
3 improvements;
- 4 (v) information relating to stock numbers
5 (if any) or the management and
6 condition of stock;
- 7 (vi) information relating to declared pests
8 (as defined in the *Biosecurity and
9 Agriculture Management Act 2007*
10 section 6), feral animals or other
11 invasive species;
- 12 (vii) information relating to a contravention,
13 or suspected contravention, by the
14 holder of the lease of a provision of a
15 land management law that relates to the
16 use, management or condition of the
17 land;
- 18 (viii) any enforcement or other action taken,
19 or proposed to be taken, under a land
20 management law in relation to a
21 contravention or suspected
22 contravention referred to in
23 subparagraph (vii);

24 **land management law** means any of the following —

- 25 (a) the *Biodiversity Conservation Act 2016*;
- 26 (b) the *Biosecurity and Agriculture Management
27 Act 2007*;
- 28 (c) the *Environmental Protection Act 1986*;
- 29 (d) the *Soil and Land Conservation Act 1945*;

30 **officer**, in relation to an information sharing agency or
31 prescribed authority —

- 32 (a) means —
- 33 (i) an officer of the agency or authority; or

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- 1 (ii) a person employed in, by or for the
2 purposes of the agency or authority;
- 3 and
- 4 (b) if the agency or authority is the holder of an
5 office, post or position established or continued
6 under a written law — includes that holder;
- 7 **public authority** means —
- 8 (a) a Minister of the State; or
9 (b) a department of the Public Service; or
10 (c) a State instrumentality; or
11 (d) a local government or a regional local
12 government;
- 13 **relevant information** —
- 14 (a) means information that is, or is likely to be,
15 relevant to —
- 16 (i) the performance by a person of a
17 function under this Act; or
18 (ii) the administration or enforcement of
19 this Act;
- 20 and
- 21 (b) includes the following —
- 22 (i) animal welfare information;
23 (ii) land management information;
24 (iii) valuation information;
- 25 **valuation information** means information that is, or is
26 likely to be, relevant to —
- 27 (a) a determination by the Valuer-General under
28 section 123(1)(a), 123A(2), 123B(1) or 124(3);
29 or

- 1 (b) the performance by the Valuer-General of any
2 other function under this Act; or
3 (c) the valuation of Crown land by the
4 Valuer-General.

5 **258B. Designation of authorised officers**

6 The chief executive officer of the Department may, in
7 writing, designate a public service officer of the
8 Department to be an authorised officer —

- 9 (a) generally for the purposes of this Division; or
10 (b) for the purposes of a provision of this Division
11 specified in the designation.

12 **258C. Sharing of relevant information between Board and**
13 **Department**

- 14 (1) The Board may, in accordance with the guidelines,
15 disclose relevant information to a public service officer
16 of the Department.
17 (2) A public service officer of the Department may, in
18 accordance with the guidelines, disclose relevant
19 information to the Board.

20 **258D. Sharing of relevant information with information**
21 **sharing agencies**

- 22 (1) Subject to subsection (2), the Board or an authorised
23 officer may, in accordance with the guidelines, disclose
24 relevant information to an officer of an information
25 sharing agency.
26 (2) The following information must not be disclosed under
27 subsection (1), except to the Valuer-General or a
28 person employed in or by the Land Information

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- 1 Authority who assists in the performance of the
2 Valuer-General's functions —
- 3 (a) information relating to the amount of rent
4 payable under a pastoral lease (including any
5 permit rent as defined in section 124(1)) that
6 could reasonably be expected to lead to the
7 identification of the pastoral lessee by whom
8 the rent is payable;
- 9 (b) information relating to a failure to pay rent
10 under a pastoral lease (including any permit
11 rent as defined in section 124(1)) that could
12 reasonably be expected to lead to the
13 identification of the pastoral lessee who has
14 failed to pay the rent.
- 15 (3) The Board or an authorised officer may, in accordance
16 with the guidelines, request an officer of an
17 information sharing agency to disclose to the Board or
18 the authorised officer relevant information that is held
19 by the agency.
- 20 (4) A person to whom a request is made under
21 subsection (3) may disclose the relevant information to
22 the Board or the authorised officer (as the case
23 requires).
- 24 **258E. Sharing of information about Crown land interest**
25 **holders with designated authorities and other**
26 **persons**
- 27 (1) An authorised officer may disclose the name and
28 contact details of a Crown land interest holder to —
- 29 (a) an officer of a designated authority for use in
30 the performance of the designated authority's
31 functions; or

- 1 (b) the Director General of Mines, as defined in the
2 *Mining Act 1978* section 8(1), for providing the
3 information to —
4 (i) applicants for, or holders of, mining
5 tenements, as defined in that provision;
6 or
7 (ii) any other person who is required, under
8 that Act, to give notice to a Crown land
9 interest holder;
10 or
11 (c) a prescribed person, in the circumstances, and
12 on the conditions, that may be prescribed.
- 13 (2) For the purposes of this section, the Board may
14 disclose to an authorised officer the name and contact
15 details of a pastoral lessee from the most recent return
16 submitted by the pastoral lessee under section 113.
- 17 (3) This section does not limit or otherwise affect the
18 operation of section 258C or 258D.

19 **258F. Guidelines relating to sharing of relevant**
20 **information**

- 21 (1) The chief executive officer of the Department must
22 issue guidelines as to the disclosure of relevant
23 information under sections 258C and 258D(1) and the
24 requesting of relevant information under
25 section 258D(3).
- 26 (2) The power conferred on the chief executive officer of
27 the Department under subsection (1) to issue guidelines
28 includes the power to amend or revoke those
29 guidelines.

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- 1 (3) To the extent that there is an inconsistency between
2 guidelines issued under subsection (1) and regulations
3 made for the purposes of section 258G, the regulations
4 prevail.
- 5 (4) The following must be published in a manner the chief
6 executive officer of the Department considers
7 appropriate —
- 8 (a) guidelines;
9 (b) amendments made to guidelines;
10 (c) notice of the revocation of guidelines.
- 11 (5) Guidelines are not subsidiary legislation for the
12 purposes of the *Interpretation Act 1984*.

13 **258G. Regulations relating to sharing of relevant**
14 **information**

15 The regulations may provide for —

- 16 (a) the circumstances in which relevant
17 information may be disclosed under
18 section 258C or 258D(1) or (4); and
- 19 (b) the conditions subject to which relevant
20 information may be disclosed under those
21 provisions; and
- 22 (c) the receipt, use and storage of relevant
23 information disclosed under those provisions;
24 and
- 25 (d) the restriction of access to relevant information
26 disclosed under those provisions; and
- 27 (e) the maximum period for which relevant
28 information disclosed under those provisions
29 may be retained; and

- 1 (f) the circumstances in which relevant
2 information disclosed under those provisions
3 must be destroyed.

4 **Division 2 — Confidentiality and authorised recording,**
5 **use or disclosure of information**

6 **258H. Confidentiality**

- 7 (1) A person must not (whether directly or indirectly)
8 record, use or disclose —
9 (a) information obtained because of the person's
10 office, position, employment or engagement
11 under or for the purposes of this Act; or
12 (b) information disclosed to the person under or for
13 the purposes of this Act.

14 Penalty for this subsection: a fine of \$10 000.

- 15 (2) Subsection (1) does not apply in relation to the
16 recording, use or disclosure of information that is —
17 (a) already in the public domain; or
18 (b) statistical or other information that could not
19 reasonably be expected to lead to the
20 identification of any person to whom it relates.

- 21 (3) A person does not commit an offence under
22 subsection (1) if the recording, use or disclosure of the
23 information is authorised under section 258I(1).

24 **258I. Authorised recording, use or disclosure of**
25 **information**

- 26 (1) For the purposes of this Act, the recording, use or
27 disclosure of information is authorised if the

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- 1 information is recorded, used or disclosed in good
2 faith —
- 3 (a) for the purposes of, or in connection with,
4 performing a function under this Act or another
5 law; or
- 6 (b) in connection with the administration or
7 enforcement of this Act or another law; or
- 8 (c) as required or allowed under this Act or another
9 law; or
- 10 (d) for the purposes of any legal proceedings
11 arising under this Act or another law; or
- 12 (e) under an order of a court or other person or
13 body acting judicially; or
- 14 (f) with the written consent of the person to whom
15 the information relates; or
- 16 (g) in other circumstances prescribed by the
17 regulations.
- 18 (2) If the recording, use or disclosure of information is
19 authorised under subsection (1) —
- 20 (a) no civil or criminal liability is incurred in
21 respect of the recording, use or disclosure; and
- 22 (b) the recording, use or disclosure is not to be
23 regarded as a breach of any duty of
24 confidentiality or secrecy imposed by law; and
- 25 (c) the recording, use or disclosure is not to be
26 regarded as a breach of professional ethics or
27 standards or as unprofessional conduct.
28

1 **83. Section 264 amended**

2 In section 264(2)(a) delete “reserve or unallocated Crown land”
3 and insert:

4
5 reserve, unallocated Crown land or land held by the Crown in
6 fee simple

7
8 Note: The heading to amended section 264 is to read:

9 **Limited liability of Crown or management body for damage, injury**
10 **or loss suffered on, or emanating from, certain land**

11 **84. Section 267 amended**

12 (1) In section 267(2):

13 (a) delete “who,” and insert:

14
15 commits an offence if the person,

16
17 (b) in paragraph (h) delete “land,” and insert:

18
19 land.

20
21 (c) delete the passage that begins with “commits an
22 offence” and ends with “\$200.”

23 (2) At the end of section 267(2) insert:

24
25 Penalty for this subsection:

26 (a) a fine of \$20 000;

27 (b) a daily penalty of a fine of \$400 for each day
28 or part of a day during which the offence
29 continues.

30

s. 85

1 **85. Section 269 amended**

2 Delete section 269(1) and insert:

3

4 (1) A person must not —

5 (a) contravene a condition or covenant imposed in
6 respect of Crown land under this Act; or

7 (b) directly or indirectly enter into a transaction
8 relating to Crown land under this Act for the
9 purposes of avoiding a condition or covenant
10 referred to in paragraph (a).

11 Penalty for this subsection:

12 (a) a fine of \$2 000;

13 (b) a daily penalty of a fine of \$200 for each day
14 or part of a day during which the offence
15 continues.

16

17 Note: The heading to amended section 269 is to read:

18 **Contravention or avoidance of condition or covenant in respect of**
19 **Crown land**

20 **86. Section 270 amended**

21 (1) In section 270(1) delete the definition of *alleged unauthorised*
22 *structure*.

23 (2) In section 270(1) insert in alphabetical order:

24

25 *alleged unauthorised structure*, in relation to a
26 responsible entity, means a structure that the
27 responsible entity considers to be an unauthorised
28 structure;

29 *responsible entity* —

30 (a) for a managed reserve, means the Minister or
31 the management body of the reserve; or

1 (b) for any other Crown land, means the Minister;

2

3 (3) In section 270(2):

4 (a) delete “The Minister” and insert:

5

6 A responsible entity for Crown land

7

8 (b) after “is on” insert:

9

10 the

11

12 (4) In section 270(4) and (6) delete “Minister” and insert:

13

14 responsible entity

15

16 Note: The heading to amended section 270 is to read:

17

Unauthorised structures on Crown land

18 **87. Section 271 amended**

19 (1) In section 271(1) delete “apply to the Minister under
20 subsection (2)” and insert:

21

22 apply, in accordance with subsection (2), to the responsible
23 entity that published the notice

24

25 (2) In section 271(2) and (3) delete “Minister” (each occurrence)
26 and insert:

27

28 responsible entity

29

1 **88. Sections 273 to 275A replaced**

2 Delete sections 273 to 275A and insert:

3

4 **273. Delegation by Minister and chief executive officer of**
5 **Department of s. 270 and 271 functions**

- 6 (1) The Minister may delegate any power or duty of the
7 Minister under section 270 or 271 to —
8 (a) the chief executive officer of the Department;
9 or
10 (b) an employee of a local government; or
11 (c) an employee within the meaning of the *Public*
12 *Sector Management Act 1994*.
- 13 (2) A person to whom a power or duty is delegated under
14 subsection (1)(b) or (c) cannot delegate that power or
15 duty.
- 16 (3) The chief executive officer of the Department may
17 delegate to a person referred to in subsection (1)(b) or
18 (c) any power or duty that is delegated to the chief
19 executive officer under subsection (1)(a).
- 20 (4) A person to whom a power or duty is delegated under
21 subsection (3) cannot delegate that power or duty.
- 22 (5) A delegation under this section must be in writing
23 signed by the Minister or the chief executive officer of
24 the Department (as the case requires).
- 25 (6) A person exercising or performing a power or duty that
26 has been delegated to the person under this section is
27 taken to do so in accordance with the terms of the
28 delegation unless the contrary is shown.
- 29 (7) Nothing in this section limits the ability of the Minister
30 or the chief executive officer of the Department to
31 perform a function through an officer or agent.

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274. Giving documents

- (1) In this section —
electronic means includes —
- (a) an electronic database or document system; and
 - (b) any other means by which a document can be accessed electronically.
- (2) The regulations may make provision for or in relation to the following —
- (a) the giving of a document required or permitted to be given under this Act (including the giving of the document by electronic means);
 - (b) the time at which the document is taken to have been given;
 - (c) the means of satisfying a requirement under this Act in relation to a document in writing (for example, a requirement that the original of a document be given or that a document be signed) if the document is given by electronic means.
- (3) This section applies to a requirement or permission to give a document whether the term “give”, “issue”, “send” or “serve”, or any other similar term, is used.

89. Section 275 amended

- In section 275(1):
- (a) in paragraph (b) delete “\$1 000” and insert:

\$2 000

s. 90

1 (b) after paragraph (g) insert:

2

3 (ga) setting out standard pastoral lease conditions;

4 and

5

6 **90. Part 14 inserted**

7 After section 284 insert:

8

9 **Part 14 — Transitional provisions for the *Land***
10 ***and Public Works Legislation Amendment***
11 ***Act 2022***

12 **285. Returns by pastoral lessees**

13 (1) In this section —

14 *commencement day* means the day on which the *Land*
15 *and Public Works Legislation Amendment Act 2022*
16 section 56 comes into operation;

17 *commencement year* means the year in which the *Land*
18 *and Public Works Legislation Amendment Act 2022*
19 section 56 comes into operation;

20 *existing pastoral lease* means a pastoral lease in
21 existence immediately before commencement day;

22 *former section 113* means section 113 as in force
23 immediately before commencement day;

24 *new section 113* means section 113 as amended by the
25 *Land and Public Works Legislation Amendment*
26 *Act 2022* section 56.

27 (2) The first return required to be submitted under new
28 section 113 by the lessee under an existing pastoral
29 lease is the return to be submitted on or before the due

1 date, as defined in subsection (1) of that section, in the
2 second year after the commencement year.

3 (3) Despite the *Land and Public Works Legislation*
4 *Amendment Act 2022* section 56, former section 113
5 continues to apply so as to require a return to be
6 submitted by the lessee under an existing pastoral lease
7 in relation to, and to the period of 12 months before,
8 30 June in the commencement year.

9 **286. Annual rent for pastoral leases**

10 (1) In this section —
11 *commencement day* means the day on which the *Land*
12 *and Public Works Legislation Amendment Act 2022*
13 section 60 comes into operation;

14 (2) The annual rent for a pastoral lease that applies
15 immediately before commencement day continues to
16 apply to the lease until a new determination under
17 section 122H(1) or 123A(4)(b) comes into effect in
18 respect of the lease.

19 (3) Subsection (2) is subject to sections 112A(2), 127,
20 134(8), 141(3) and 254.

21 (4) A rent determined under section 124(3) that applies to
22 a pastoral lease immediately before commencement
23 day —

24 (a) is taken to be the permit rent (as defined in
25 section 124(1)) for the lease; and

26 (b) continues to apply to the lease until a new
27 determination under section 122I(2) or 124(3)
28 comes into effect in respect of the lease.
29

s. 91

1 **91. Various penalties amended**

2 Amend the provisions listed in the Table as set out in the Table.

3 **Table**

Provision	Delete	Insert
s. 26A(5)	Penalty: \$1 000 and a daily penalty of \$100.	Penalty for this subsection: (a) a fine of \$2 000; (b) a daily penalty of a fine of \$200 for each day or part of a day during which the offence continues.
s. 71(1) and (2)	Penalty: \$2 000.	Penalty for this subsection: a fine of \$4 000.
s. 71(3)	Penalty: \$1 000.	Penalty for this subsection: a fine of \$2 000.
s. 106(1) and (2)	Penalty: \$10 000.	Penalty for this subsection: a fine of \$20 000.
s. 109(1)	Penalty: \$10 000.	Penalty for this subsection: a fine of \$20 000.

Provision	Delete	Insert
s. 110(1) and (2)	Penalty: \$10 000.	Penalty for this subsection: a fine of \$20 000.
s. 111(4)	Penalty: \$10 000.	Penalty for this subsection: a fine of \$20 000.
s. 130	Penalty: \$50 000, and a daily penalty of \$1 000.	Penalty: (a) a fine of \$90 000; (b) a daily penalty of a fine of \$2 000 for each day or part of a day during which the offence continues.
s. 135(1) and (2)	Penalty: \$10 000.	Penalty for this subsection: a fine of \$20 000.
s. 199(1)	Penalty: \$1 000.	Penalty for this subsection: a fine of \$2 000.
s. 267(3)	\$200	\$400

s. 92

Provision	Delete	Insert
s. 268(1)	Penalty: \$1 000 for a first offence and \$2 000 for any subsequent offence.	Penalty for this subsection: (a) for a first offence, a fine of \$2 000; (b) for a subsequent offence, a fine of \$4 000.
s. 268(2)	Penalty: \$1 000.	Penalty for this subsection: a fine of \$2 000.

1 **92. Various references to gender removed**

2 Amend the provisions listed in the Table as set out in the Table.

3 **Table**

Provision	Delete	Insert
s. 3(1) def. of <i>Minister</i> s. 7(3) s. 42(5) s. 44(2) s. 45(5) s. 49(1) and (2) s. 159 s. 172(6)	his or her	the Minister's

Provision	Delete	Insert
s. 10(4) s. 73 s. 80(4)(c) and (d) and (5) s. 197(1)	him or her	the Minister
s. 13(1) s. 52(4)(b) s. 59(4)(b) s. 134(7) s. 142A(3) s. 150(2) and (5)	he or she (each occurrence)	the Minister
s. 15(3)(c), (6)(d), (11) and (13)(a)	his or her	the covenantor's
s. 39(2)	he or she	the Governor
s. 64(3)(a) s. 262(1)	his or her	the holder's
s. 76(2)	his or her	the mortgagee's
s. 97(1)(b) and (c)	his or her	that chief executive officer's
s. 97(8) s. 99(1) and (2)(a)	his or her	the member's
s. 99(2)(a)	he or she	the member

s. 92

Provision	Delete	Insert
s. 99(5)(a)	him or her	the member
s. 145(2)	him or her	the grantee
s. 160(2)	him or her	them
s. 174	he or she	the Registrar
s. 199(1)(a)	workman he or she has	worker they have
s. 210(5) s. 222(6)	him or her	the Principal Registrar
s. 214(1)	him or her	the claimant
s. 216(1) s. 223(7) s. 224(7)	his or her (each occurrence)	the claimant's
s. 223(2)	he or she	the claimant
s. 223(5)	he or she	the person
s. 224(1) and (2)	his or her	their

1 Note: The heading to amended section 49 is to read:
2 **Plan for managed reserve**

1 **Part 3 — *Public Works Act 1902* amended**

2 **93. Act amended**

3 This Part amends the *Public Works Act 1902*.

4 **94. Section 2 amended**

5 (1) In section 2 delete the definitions of:

6 *local work*

7 *public work* and *work*

8 *Registrar*

9 (2) In section 2 insert in alphabetical order:

10

11 *public work* means a work, facility, building, structure
12 or other thing that is —

13 (a) declared, or of a class declared, under
14 section 2A to be a public work; or

15 (b) of a class described in Schedule 1;

16

17 **95. Section 2A inserted**

18 After section 2 insert:

19

20 **2A. Governor may declare public work**

21 (1) The Governor may, by order, declare a work, facility,
22 building, structure or other thing specified in the order,
23 or of a class specified in the order, to be a public work.

24 (2) An order under subsection (1) is subsidiary legislation
25 for the purposes of the *Interpretation Act 1984*.

26

s. 96

1 **96. Section 5 amended**

2 After section 5(3) insert:

3

4 (4) The functions of the Minister are —

5 (a) to undertake, construct, provide, alter, protect,
6 repair or manage any public work; and

7 (b) for the purposes of paragraph (a) —

8 (i) to acquire, hold, take on lease,
9 exchange, amalgamate, subdivide, alter,
10 develop, improve or dispose of land;
11 and

12 (ii) to lease, or grant easements or other
13 interests in or rights over, land acquired,
14 held or taken on lease under
15 subparagraph (i);

16 and

17 (c) any other functions conferred on the Minister
18 under this Act or any other Act.

19 (5) The Minister has power to do all things necessary or
20 convenient for or in connection with the performance
21 of the Minister’s functions.
22

23 **97. Section 5A amended**

24 In section 5A delete “either generally or as otherwise provided
25 by the notice concerned, by notice published in the *Gazette*” and
26 insert:

27

28 in writing and either generally or as otherwise provided by the
29 instrument of delegation,
30

1 **98. Section 5B amended**

2 (1) In section 5B(1) delete “either generally or as otherwise
3 provided by the notice concerned, by notice published in the
4 *Gazette*” and insert:

5
6 in writing and either generally or as otherwise provided by the
7 instrument of delegation,
8

9 (2) In section 5B(2):

10 (a) delete “on him”;

11 (b) delete “notice” and insert:

12
13 instrument
14

15 **99. Section 11 replaced**

16 Delete section 11 and insert:
17

18 **11. Governor may authorise railways**

19 (1) The Governor may, by order published in the *Gazette*,
20 authorise the Public Transport Authority to undertake,
21 construct or provide a railway.

22 (2) The authorisation conferred by an order under
23 subsection (1) is subject to section 96.

24 (3) The Governor may, by order published in the *Gazette*,
25 amend or revoke an order under subsection (1).

26 (4) An order under subsection (1) or (3) is not subsidiary
27 legislation for the purpose of the *Interpretation*
28 *Act 1984*.
29

s. 100

1 **100. Schedule 1 inserted**

2 At the end of the Act insert:

3

4 **Schedule 1 — Classes of public work**

5

[s. 2]

Item	Description
1.	Works that the Crown, the Governor, the Government of Western Australia, a Minister of the Crown or a local authority is authorised to undertake, construct or provide under this Act or any other Act.
2.	Railways authorised under a special Act or any other works authorised under an Act.
3.	Tramways, light railways, monorails and works for any prescribed means of public passenger transport as defined in the <i>Public Transport Authority Act 2003</i> section 3.
4.	(1) Works for or in connection with the conservation, protection or management of water or water resources. (2) Works for or in connection with any of the following — (a) water supply, including abstraction and reticulation; (b) drainage, including reticulation; (c) the restoration or improvement of, or measures for the prevention of erosion of, rivers, watercourses, lakes or inlets, including deepening, widening and other alteration, disposal of silt and removal of waste or debris; (d) flood prevention or mitigation; (e) sewerage, including reticulation.

Item	Description
5.	(1) Buildings for occupation by either or both Houses of Parliament. (2) Buildings for State government or local government office accommodation. (3) Works for or in connection with space leased or licensed for State government or local government office accommodation.
6.	Health care facilities, including hospitals, hospices, medical clinics, other medical facilities, community health care centres and residential or short-term accommodation facilities for patients and their carers or for staff.
7.	Community residential facilities, including boarding houses, refuges, aged care facilities and facilities for people with a disability or mental illness or subject to social disadvantage.
8.	Scientific facilities, including observatories, research stations, environmental monitoring facilities, laboratories and scientific installations.
9.	Educational and related facilities, including schools, universities, colleges, technical and other educational institutions, teaching establishments, early learning centres, childcare centres, kindergartens, playgrounds and residential accommodation facilities for students attending those facilities or for staff.
10.	Cultural, sporting, tourism and community facilities, including libraries, museums, theatres, art galleries, interpretive centres, entertainment facilities, stadiums and community centres.
11.	Facilities for the Western Australian Mint.

s. 100

Item	Description
12.	(1) Public or community housing and community facilities and amenities, as defined in the <i>Housing Act 1980</i> section 61(2), that are related or incidental to public or community housing. (2) Housing provided under the <i>Government Employees' Housing Act 1964</i> .
13.	(1) Parks and gardens, including botanical gardens and zoological gardens. (2) Recreational or sporting grounds or facilities, including recreational paths or trails. (3) Showgrounds. (4) Racecourses.
14.	Animal pounds (including cat management facilities under the <i>Cat Act 2011</i> and dog management facilities under the <i>Dog Act 1976</i>).
15.	Cemeteries, crematoriums and memorials.
16.	Works for or in connection with the protection or preservation of a place of scientific, heritage, historical, natural, geological, environmental, aesthetic or cultural interest or value.
17.	Works for or in connection with any of the following — (a) the protection or preservation of indigenous flora or fauna; (b) the protection or preservation of wetlands; (c) revegetation for conservation purposes.
18.	Abattoirs, stock saleyards and agricultural saleyards.

Item	Description
19.	<p>(1) Harbours and ports, including storage, handling or wharfage areas and other facilities for or in connection with shipping or boating operations.</p> <p>(2) Wharves, docks, ferry facilities, piers, jetties, bridges, launching ramps, landing places, slips and moorings.</p> <p>(3) Breakwaters, leading marks, navigational aids and lighthouses.</p> <p>(4) Works for or in connection with the provision, improvement or alteration of channels, including the landing and disposal of silt.</p> <p>(5) Port works as defined in the <i>Port Authorities Act 1999</i> section 35(9).</p>
20.	<p>Quarries or works for procuring timber, stone, gravel, earth or any other material required —</p> <p>(a) by or for the State for or in connection with the carrying on of any commercial or industrial undertaking or activity, or any other undertaking or activity, that is being carried on by or for the State under the authority of a written law; or</p> <p>(b) for the construction of, or for any purpose connected with, a public work.</p>
21.	<p>Facilities required for justice or emergency services purposes, including courthouses, prisons, detention centres, watch houses, lock-ups, police stations and other police facilities, fire stations and ambulance depots.</p>
22	<p>Works for or in connection with the establishment or extension of sites for towns.</p>
23.	<p>Roads, bicycle paths, shared paths, stock routes, viaducts, canals, tunnels, weighbridges, roadside testing facilities and roadside amenities.</p>

s. 100

Item	Description
24.	Works for or in connection with the production, generation, transmission, distribution or storage of electricity, gas or any other form or source of energy.
25.	Waste management facilities, including refuse tips, waste transfer stations, waste storage facilities, incinerators and recycling centres and depots.
26.	Airstrip and airport facilities, including runways, taxiways, apron areas, passenger terminals, control towers, security facilities, walkways, busways, car parks, passenger transit facilities, passenger pick-up and set-down areas and servicing facilities.
27.	Biosecurity facilities, including barrier fences and quarantine inspection stations.
28.	Works for or in connection with an Aboriginal community or settlement, including works relating to the provision of essential services (for example, electricity, water or sewerage services), administrative services or emergency services.
29.	Works for or in connection with the reclamation of land for the purposes of a public work.
30.	Surveys and other investigative works for or in connection with a public work.
31.	Works, facilities, buildings, structures and other things that are incidental or ancillary to, or otherwise connected with, a public work.

1

1 **101. Various references to gender removed**

2 Amend the provisions listed in the Table as set out in the Table.

3

Table

Provision	Delete	Insert
s. 5A(a) s. 91(8)	him (each occurrence)	the Minister
s. 5A s. 6	his	the Minister's
s. 7(1) s. 91(9)	he	the Governor
s. 9F(1)	he	it
s. 82(1)(a)	he	the person or authority
s. 83	his	their
s. 83A(2) and (3) s. 83B(2)	he	the authorised person
s. 83A(3)	his (1 st occurrence)	their
s. 83A(3)	him his	the owner or occupier their
s. 83B(2) s. 83C(1)	his	the authorised person's

s. 101

Provision	Delete	Insert
s. 83C(2) s. 90	he (each occurrence)	the person
s. 90 s. 109(3)	him	the person
s. 91(7)	his	the Minister
s. 96(3)	him	the Clerk of the Parliaments
s. 120	workman	worker
s. 120	he has	they have

1 Note: The heading to amended section 6 is to read:

2 **Rights, liabilities and interests of Minister devolve on Minister's**
3 **successor**

4 Note: The heading to amended section 120 is to read:

5 **Penalty for obstruction, interference, destruction and similar acts;**
6 **and recovery of costs**

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Part 4 — Other Acts amended

Division 1 — *Barrow Island Act 2003* amended

102. Act amended

This Division amends the *Barrow Island Act 2003*.

103. Section 6 amended

In section 6(6) delete “12, 14 and 35(4)(a)(i)” and insert:

12 and 14

104. Section 8 amended

In section 8(5) delete “14, 35(4)(a)(i)” and insert:

14

Division 2 — *Conservation and Land Management Act 1984* amended

105. Act amended

This Division amends the *Conservation and Land Management Act 1984*.

106. Section 3 amended

In section 3 insert in alphabetical order:

diversification lease has the meaning given in the *Land Administration Act 1997* section 92B(1);

1 *pastoral lease* has the meaning given in the *Land*
2 *Administration Act 1997* section 3(1);
3

4 **107. Section 4 amended**

5 (1) In section 4(3) after “leases” insert:

6

7 or diversification leases

8

9 (2) In section 4(4) delete “pastoral lessees” and insert:

10

11 the lessee under a pastoral lease or diversification lease

12

13 **108. Section 8A amended**

14 Delete section 8A(15) and insert:

15

16 (15) Subsection (16) applies if an agreement made under
17 this section applies to land held under any of the
18 following —

19

(a) a pastoral lease;

20

(b) a diversification lease any purpose of which
21 includes the grazing of stock;

22

(c) a lease for grazing purposes granted under the
23 *Land Administration Act 1997*.

24 (16) The lessee remains entitled to use the land for grazing
25 purposes in accordance with the lease, except to the
26 extent that the agreement otherwise provides.
27

1 **109. Section 11 amended**

2 In section 11:

3 (a) in paragraph (c) delete “of which pastoral leases are held
4 under Part 7 of the *Land Administration Act 1997*,” and
5 insert:

6
7 held under pastoral leases,

8
9 (b) after paragraph (c) insert:

10
11 (ca) land held under diversification leases, subject to
12 the grazing rights of the lessee in the case of a
13 lease any purpose of which includes the grazing
14 of stock; and

15

16 **110. Section 81 amended**

17 In section 81 in the definition of *public land* delete
18 paragraph (b)(i) and insert:

19

20 (i) land held under pastoral leases and
21 diversification leases; and

22

23 **111. Section 96 amended**

24 Delete section 96(4)(a) and insert:

25

26 (a) land held under any the following that does not
27 confer on the lessee the right to forest
28 produce —

29 (i) a pastoral lease or diversification lease;

30 (ii) a forest lease;

- 1 (iii) any other lease;
2 and
3

4 Note: The heading to amended section 96 is to read:

5 **Effect on leases and mining tenements of permits, licences and**
6 **contracts as to forest produce**

7 **Division 3 — *Duties Act 2008* amended**

8 **112. Act amended**

9 This Division amends the *Duties Act 2008*.

10 **113. Section 3 amended**

11 In section 3 insert in alphabetical order:

12
13 *diversification lease* has the meaning given in the *Land*
14 *Administration Act 1997* section 92B(1);

15 *diversification lessee* has the meaning given in the
16 *Land Administration Act 1997* section 3(1);
17

18 **114. Section 3A amended**

19 In section 3A(1):

20 (a) after paragraph (e) insert:

21

22 (ea) a diversification lease;

23 (eb) an interest of a diversification lessee under a
24 diversification lease;

25

26 (b) in paragraph (f) delete “mining tenement or pastoral
27 lease,” and insert:

28

29 mining tenement, pastoral lease or diversification lease),
30

1 **115. Section 11 amended**

2 In section 11(4) delete “pastoral lease.” and insert:

3

4 pastoral lease or diversification lease.

5

6 **116. Section 17 amended**

7 In section 17(2)(c) delete “(other than a pastoral lease)” and
8 insert:

9

10 (including a diversification lease but not including a pastoral
11 lease)

12

13 **117. Section 18 amended**

14 In section 18:

15 (a) in paragraph (c) delete “lease),” and insert:

16

17 lease or diversification lease),

18

19 (b) after paragraph (c) insert:

20

21 (caa) a pastoral lease or diversification lease (the *old*
22 *lease*), in whole or in part, if —

23 (i) the surrender of the old lease is made as
24 part of an agreement, arrangement or
25 understanding that a pastoral lease or
26 diversification lease (the *new lease*) be
27 granted to another person; and

28 (ii) there is, or will be, consideration for the
29 surrender of the old lease; and

- 1 (iii) in the case where the new lease is a
2 pastoral lease, the grant of the new lease
3 under the *Land Administration Act 1997*
4 section 101 is not subject to the
5 payment of a sale price, or, in the case
6 where the new lease is a diversification
7 lease, there is not, and will not be, any
8 consideration for the grant of the new
9 lease;
10

11 **118. Section 28 amended**

- 12 (1) In section 28(3) after “lease” (1st occurrence) insert:
13

14 (other than a pastoral lease or diversification lease)
15

- 16 (2) After section 28(3) insert:
17

18 (3A) The dutiable value of a dutiable transaction that is the
19 surrender of a pastoral lease or diversification lease in
20 the circumstances referred to in section 18(caa) is the
21 consideration for the surrender of the lease referred to
22 in section 18(caa)(ii).
23

- 24 (3) In section 28(4) delete “lease)” and insert:
25

26 lease or diversification lease)
27

1 (4) After section 28(4A) insert:

2

3 (4B) The dutiable value of a dutiable transaction that is the
4 grant of a diversification lease is the consideration for
5 the grant of the lease.
6

7 **119. Schedule 1 amended**

8 In Schedule 1 in the item for section 11(1)(g) in column 4 after
9 “surrendered; or” insert:

10

11 in the case of a surrender referred to in section 18(caa), the
12 person to whom the new lease is, or is to be, granted in
13 accordance with the agreement, arrangement or
14 understanding; or
15

16 **Division 4 — *Environmental Protection Act 1986* amended**

17 **120. Act amended**

18 This Division amends the *Environmental Protection Act 1986*.

19 **121. Schedule 6 amended**

20 In Schedule 6 item 13:

21 (a) before “within” insert:

22

23 or diversification lease

24

25 (b) in paragraph (b) delete “lease; or” and insert:

26

27 lease or diversification lease; or
28

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Division 5 Forrest Place and City Station Development Act 1985 amended

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1 (c) delete paragraph (c) and insert:

2

3 (c) in the case of a pastoral lease — any relevant
4 condition set, determination made or direction given
5 by the Pastoral Lands Board under Part 7 of that
6 Act.

7

8 **Division 5 — *Forrest Place and City Station Development***
9 ***Act 1985* amended**

10 **122. Act amended**

11 This Division amends the *Forrest Place and City Station*
12 *Development Act 1985*.

13 **123. Section 11 amended**

14 (1) In section 11(2):

15 (a) delete “section 58(1) to (5) of the *Land Administration*
16 *Act 1997*” and insert:

17

18 the *Land Administration Act 1997* section 58(1) to (3)

19

20 (b) in paragraph (b) delete “cause the relevant order to be
21 registered” and insert:

22

23 lodge the relevant order with the Registrar of Titles for
24 registration

25

26 (2) In section 11(3) delete “Section 58(6) of the *Land*
27 *Administration Act 1997*” and insert:

28

29 The *Land Administration Act 1997* section 58(4)

30

- 1 (b) is not the diversification lessee or, if there are 2
2 or more diversification lessees, one of the
3 diversification lessees.
4

5 **128. Section 35 replaced**

6 Delete section 35 and insert:
7

8 **35. Exemption for mining tenements**

- 9 (1) Except as provided in subsection (2), land is exempt
10 for an assessment year if a mining tenement is in force
11 for the land at midnight on 30 June in the previous
12 financial year.
- 13 (2) Land is not exempt under subsection (1) for an
14 assessment year if, at midnight on 30 June in the
15 previous financial year —
- 16 (a) the land is owned in fee simple; or
17 (b) a diversification lease is in force for the land,
18 whether or not the diversification lease is held
19 by the same person or persons who hold the
20 mining tenement.
21

22 **129. Glossary amended**

23 In the Glossary clause 1 insert in alphabetical order:
24

25 *diversification lease* has the meaning given in the *Land*
26 *Administration Act 1997* section 92B(1);

27 *diversification lessee* has the meaning given in the
28 *Land Administration Act 1997* section 3(1);

29 *mining tenement* has the meaning given in the *Mining*
30 *Act 1978* section 8(1);
31

1

Division 8 — Mining Act 1978 amended

2

130. Act amended

3

This Division amends the *Mining Act 1978*.

4

131. Section 8 amended

5

(1) In section 8(1) insert in alphabetical order:

6

7

diversification lease has the meaning given in the *Land Administration Act 1997* section 92B(1);

8

9

pastoral lease has the meaning given in the *Land Administration Act 1997* section 3(1);

10

11

12

(2) In section 8(1) in the definition of *Crown land*:

13

(a) in paragraph (c)(i) delete “within the meaning of the *Land Administration Act 1997*,”;

14

15

(b) after paragraph (c)(i) insert:

16

17

(ia) a diversification lease; or

18

19

(3) In section 8(1) in the definition of *private land*:

20

(a) delete “within the meaning of the *Land Administration Act 1997*”;

21

22

(b) delete “purposes or” and insert:

23

24

purposes, a diversification lease or

25

26

(4) After section 8(5) insert:

27

28

(6) A reference in this Act to a lease of Crown land for the use and benefit of the Aboriginal inhabitants includes a

29

1 lease of Crown land for the social, cultural or economic
2 benefit of Aboriginal persons.
3

4 **132. Section 16 amended**

5 After section 16(3) insert:
6

7 (4) A provision of a diversification lease over Crown land
8 that is in a mineral field must not be varied so as to
9 alter a purpose of the lease without the approval of the
10 Minister.

11 (5) Crown land that is in a mineral field must not be
12 identified in a diversification lease under the *Land*
13 *Administration Act 1997* section 92C(4) without the
14 approval of the Minister.
15

16 Note: The heading to amended section 16 is to read:

17 **Constitution of mineral fields and dealings with Crown land in**
18 **them**

19 **133. Section 20 amended**

20 (1) In section 20(5):

21 (a) after paragraph (d) insert:
22

23 (da) the site of or situated within 100 m of a
24 permanent electrical or fibre optic cable; or

25 (db) land under a diversification lease that is the site
26 of, or situated within 100 m of, a substantial
27 structure that —

28 (i) is being erected or commissioned; or

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(ii) has been erected and is used, not being a structure previously erected and used for mining purposes by a person other than a lessee of that diversification lease;

or

(b) in paragraph (e) delete “the subject of a pastoral lease within the meaning of the *Land Administration Act 1997* which” and insert:

under a pastoral lease or a diversification lease that

(c) in paragraph (e) delete “lease,” and insert:

lease or diversification lease,

(d) in paragraph (ea) after “paragraph (c)” insert:

or (db)

(e) in paragraph (f)(iv) delete “ground;” and insert:

ground; or

(f) after paragraph (f)(iv) insert:

(v) the site of a permanent electrical or fibre optic cable; or

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1 (vi) the site of a substantial structure that is
2 being erected or commissioned or that
3 has been erected and is used;
4

5 (2) In section 20(5) after each of paragraphs (a) to (d) insert:
6

7 or
8

9 (3) After section 20(5) insert:
10

11 (5AA) Subsection (5) does not apply to land under a
12 diversification lease described in subsection (5)(db)
13 unless the land is identified in the diversification lease
14 under the *Land Administration Act 1997* section 92C(4)
15 for the purposes of this subsection.
16

17 **134. Section 118 amended**

18 In section 118:

19 (a) delete “within the meaning of the *Land Administration*
20 *Act 1997*”;

21 (b) delete “only,” and insert:
22

23 only or a diversification lease,
24

25 Note: The heading to amended section 118 is to read:

26 **Notice of application to be given to lessee of pastoral lease or**
27 **diversification lease**

1 **135. Section 123 amended**

2 In section 123(7)(a):

3 (a) delete “him for pastoral purposes under the *Land*
4 *Administration Act 1997* or which he holds by virtue
5 of” and insert:

6

7 or held by that person under a pastoral lease or

8

9 (b) after “only” insert:

10

11 or a diversification lease

12

13 **Division 9 — *Mining Rehabilitation Fund Act 2012* amended**

14 **136. Act amended**

15 This Division amends the *Mining Rehabilitation Fund Act 2012*.

16 **137. Section 10 amended**

17 In section 10(4)(b) delete “pastoral lease (as” and insert:

18

19 pastoral lease or diversification lease (as those terms are

20

21 **Division 10 — *Petroleum and Geothermal Energy Resources***
22 ***Act 1967* amended**

23 **138. Act amended**

24 This Division amends the *Petroleum and Geothermal Energy*
25 *Resources Act 1967*.

1 **139. Section 5 amended**

2 (1) In section 5(1) insert in alphabetical order:

3

4 *diversification lease* has the meaning given in the *Land*
5 *Administration Act 1997* section 92B(1);

6 *pastoral lease* has the meaning given in the *Land*
7 *Administration Act 1997* section 3(1);

8

9 (2) In section 5(1) in the definition of *Crown land*:

10 (a) in paragraph (c)(i) delete “within the meaning of the
11 *Land Administration Act 1997*,”;

12 (b) after paragraph (c)(i) insert:

13

14 (ia) a diversification lease; or

15

16 (3) In section 5(1) in the definition of *private land*:

17 (a) in paragraph (a) delete “within the meaning of the *Land*
18 *Administration Act 1997*,”;

19 (b) after paragraph (a) insert:

20

21 (aa) a diversification lease; or

22

23 (4) After section 5(6) insert:

24

25 (6A) In this Act, a reference to a lease for the use and benefit
26 of the Aboriginal inhabitants includes a reference to a
27 lease for the social, cultural or economic benefit of
28 Aboriginal persons.

29

1 **140. Section 21 amended**

2 In section 21(1):

- 3 (a) in paragraph (a) delete “within the meaning of the *Land*
4 *Administration Act 1997*,”;
- 5 (b) after paragraph (a) insert:
- 6
- 7 (aa) a diversification lease; or
- 8

9 Note: The heading to amended section 21 is to read:

10 **Compensation payable to certain lessees for damage to**
11 **improvements and consequential damage**

12 **141. Section 24 amended**

13 In section 24(1):

- 14 (a) delete “Court” and insert:
- 15
- 16 Court,
- 17
- 18 (b) delete “within the meaning of the *Land Administration*
19 *Act 1997*, a lease otherwise granted for grazing purposes
20 only,” and insert:
- 21
- 22 or a lease otherwise granted for grazing purposes only, a
23 diversification lease,
- 24

25 **Division 11 — *Planning and Development Act 2005* amended**

26 **142. Act amended**

27 This Division amends the *Planning and Development Act 2005*.

1 **143. Section 4 amended**

2 (1) In section 4(1) delete the definition of *LAA Department*.

3 (2) In section 4(1) in the definition of *public work* paragraph (a)
4 delete “1902;” and insert:

5

6 *1902* section 2;

7

8 **144. Section 168 amended**

9 (1) In section 168(2):

10 (a) delete “The” and insert:

11

12 Subject to the *Main Roads Act 1930* and the *Public*
13 *Works Act 1902*, the

14

15 (b) delete “in” and insert:

16

17 of

18

19 (2) In section 168(6) delete “or the LAA Department”.

20 (3) In section 168(7):

21 (a) delete “The” and insert:

22

23 Subject to the *Main Roads Act 1930* and the *Public*
24 *Works Act 1902*, the

25

26 (b) delete “in” (1st occurrence) and insert:

27

28 of

29

- 1 (4) In section 168(9) delete “(3)” and insert:
2
- 3 (3), (5)
4
- 5 (5) After section 168(9) insert:
6
- 7 (10) Land referred to in subsection (1), (3), (5) or (6) is
8 subject to any existing encumbrance specified in a
9 direction of the Minister responsible for the
10 administration of the *Land Administration Act 1997*, or
11 a person authorised in writing by that Minister for the
12 purposes of this subsection, lodged with the Registrar
13 of Titles —
- 14 (a) in the case of a scheme plan lodged for
15 registration under the *Strata Titles Act 1985* —
16 at or before the time the Registrar of Titles
17 registers the plan under that Act; or
- 18 (b) in the case of a diagram or plan lodged with an
19 application for a new certificate or
20 certificates — at or before the time the new
21 certificate, or if more than one, all the new
22 certificates, for the land the subject of the
23 diagram or plan have been registered; or
- 24 (c) in the case of a plan lodged with an application
25 for registration of a document giving effect to a
26 rounding off or truncation — at or before the
27 time of the registration of that document.
28

1 **145. Section 191 amended**

2 In section 191(1) delete “section 151(1) of that Act.” and
3 insert:

4
5 the *Public Works Act 1902* section 2).

6
7 **146. Section 195 amended**

8 In section 195(2) delete “section 151(1) of that Act,” and
9 insert:

10
11 the *Public Works Act 1902* section 2),

12
13 **147. Section 197A amended**

14 In section 197A(3) delete “section 151(1) of that Act.” and
15 insert:

16
17 the *Public Works Act 1902* section 2).

18
19 **Division 12 — *Transfer of Land Act 1893* amended**

20 **148. Act amended**

21 This Division amends the *Transfer of Land Act 1893*.

22 **149. Section 81T amended**

23 Delete section 81T(3)(b).

1 **Division 13 — *Wittenoom Closure Act 2022* amended**

2 **150. Act amended**

3 This Division amends the *Wittenoom Closure Act 2022*.

4 **151. Section 6 amended**

5 In section 6(1) delete “LA Act section 151(1).” and insert:

6

7 *Public Works Act 1902* section 2.

8

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