

# MEMORANDUM OF UNDERSTANDING

## ADMINISTRATION AND MANAGEMENT OF CROWN LANDS

*Original  
See flag D.C.*

### 1. Parties

The Department for Planning and Infrastructure (DPI), "Albert Facey House", 469 Wellington Street, PERTH WA 6000;

and

The Department of Conservation and Land Management (CALM), 17 Dick Perry Avenue, KENSINGTON WA 6151.

### 2. Purpose of Memorandum of Understanding (MOU)

To establish an 'agreement' between the parties for the administration and management of non-metropolitan; non-townsite unallocated Crown land (UCL) and unmanaged reserves (UMRs). In particular it:

- defines what funded management functions and responsibilities will be undertaken by CALM; and
- for each agreed management function defines the administrative services provided by DPI.

### 3. Agreement

This MOU covers those agreed administrative and management activities on UCL and UMRs which are to be undertaken by CALM, to the extent they have been funded by the State Government of Western Australia. The management of UCL and UMRs by CALM, beyond the functions, roles and responsibilities envisaged by the Functional Review Taskforce will only be considered (i) provided they are consistent with CALM's core business as a manager of natural lands and of biodiversity, and (ii) provided that appropriate levels of resources are made available to ensure base levels of management of these lands are achieved.

### 4. Definitions

"CALM" means the Department for Conservation and Land Management.

"CALM Act" means the *Conservation and Land Management Act 1984*.

"DLI" means the Department of Land Information.

"DoIR" means the Department of Industry and Resources

"DPI" means the Department for Planning and Infrastructure.

“**interest**” has the meaning given by section 3 of the *Land Administration Act 1997*.

“**LAA**” means the *Land Administration Act 1997*.

“**metropolitan area**” means the Perth metropolitan region, as defined by section 6 of the *Metropolitan Region Town Planning Scheme Act 1959*.

“**parties**” means DPI and CALM when jointly referred to.

“**regional centres**” means cities (within the meaning given by section 2.4 of the *Local Government Act 1995*) outside of the metropolitan area.

“**townsites**” means townsites (within the meaning of section 26 of the *Land Administration Act 1997*), outside of the metropolitan area and regional centres.

“**unallocated Crown land**” means Crown land -

- (a) in which no interest is known to exist, but in which native title within the meaning of the *Native Title Act 1993* of the Commonwealth may or may not exist; and
- (b) which is not reserved, declared or otherwise dedicated under this Act or any other written law.

“**unexploded ordnance**” means bombs and shells used by the armed forces in military, naval and aerial bombardment exercises and which have not exploded on impact and remain in a potentially dangerous condition.

“**unmanaged reserve**” means the care, control and management of a reserve, whether under section 46 of the *Land Administration Act 1997*, or management arrangements under another Act.

## 5. Background

Approximately 93 per cent of Western Australia’s area of 2,527,600 square kilometres is Crown land. Substantial parts of this land are pastoral leases (37%), reserves or leases set aside for indigenous communities (8%), and lands vested in the Conservation Commission of Western Australia and managed by CALM (9%<sup>1</sup>) for the purpose of parks, forests and reserves. The remaining area of Crown land of 39 per cent (890,000 square kilometres) is assigned as UCL and as UMRs. The indicative distribution of non-metropolitan, non-townsite UCL and UMRs in Western Australia is shown in Attachment 1.

Up to the 30 June 2003, the Department of Land Administration (DOLA) provided limited on-ground management of these lands through fire prevention services provided by the Fire and Emergency Services Authority (FESA), and declared weed and animal control services provided by the Department of Agriculture (DAWA). In January 2003 Cabinet approved the Functional Review Taskforce’s recommendation that *the on-ground management of non-metropolitan, non-townsite Crown land be transferred from DOLA to CALM* (Attachment 2). All funding for the management of UCL and UMRs was transferred from DPI’s 2003/04 budget to CALM’s 2003/04 budget with effect from 01 July 2003.

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<sup>1</sup> Includes public freehold land (2%) in the name of the Executive Director of the Department of Conservation and Land Management

## 6. Powers

- (a) The *Conservation and Land Management Act 1984* (CALM Act) at section 33(2) enables the management responsibility for UCL and UMRs to be placed with CALM. The CALM Act at Section 34 empowers CALM's Executive Director to do all things necessary or convenient to be done for, or in connection with, the performance of the functions of the Department.
- (b) The *Land Administration Act 1997* (LAA) is the State's primary legislation for administration and disposition of Crown land. The Minister for Lands is authorised to act on behalf of the State of Western Australia in administering the Crown estate. This 'agreement' is not made under a specific provision of the LAA, but is pursuant to the general powers and responsibilities of the Minister in accordance with a Cabinet decision with respect to management of land, which is the subject of the Act (Attachment 3).

Other legislation referred to in this 'agreement' includes the following. A brief description is given for each Act, but these are not intended to be definitive.

- the *Bush Fires Act 1954* contains provisions for fire prevention and fire suppression on UCL and UMRs, the latter being the responsibility of bushfire brigades and local authorities;
- the *Wildlife Conservation Act 1950* provides the necessary powers for the conservation and protection of fauna (s14-19) and flora (s23A- 26) as defined in section 3 of the Act throughout the whole of the State and at all times;
- the *Sandalwood Act 1929* (read as one with the CALM Act) contains provisions relating to the pulling or removal of sandalwood on both Crown land and alienated land, except where the sandalwood is growing in a plantation on alienated land;
- the *Agriculture and Related Resources Protection Act 1976* contains provisions relating to the control of declared plants and animals on and in relation to public land under control and management;
- the *Native Title Act 1993* in general terms provides for the claiming and determination of native title rights and interests in land, and affords certain procedural rights to registered native title claimants;
- the *Aboriginal Heritage Act 1972* contains provisions relating to the protection of Indigenous Heritage; and
- the *Environmental Protection Act 1986* provides the basis for Western Australia's environmental protection policies and environmental impact assessments.

## 7. Function and objectives of the MOU

- (a) This MOU defines the Crown land administration functions that are the responsibility of DPI, and the management roles and responsibilities that are to be transferred to CALM.
- (b) This MOU acknowledges that:

- (i) in all other respects other than those roles and responsibilities referred to in this 'agreement' as transferred to DPI, responsibility for the administration and management of Crown land remains with the Minister for Lands, who has lawful responsibility for these functions under the LAA; and
  - (ii) the legal powers of the Minister for Lands cannot be fettered by the terms of this 'agreement'.
- (c) This MOU is contingent on an order being made the Governor under s.33(2) of the CALM Act.

## **8. Joint obligations of the parties**

In the administration and management of UCL and UMRs, the parties:

- (a) will liaise in the development of policies and legislation that have a direct bearing on the management of UCL and UMRs;
- (b) will ensure that State Government and agencies' policies, objectives and strategies are met in relation to environmental, social and economic equity;
- (c) will work cooperatively to meet the agencies' designated land management roles and responsibilities contained in this 'agreement';
- (d) will work together on the joint development and signing of Cabinet Submissions by the agencies' respective Cabinet Ministers;
- (e) will meet their respective legal responsibilities in a manner consistent with terms and conditions of this 'agreement';
- (f) in consultation with and subject to agreement with the Department of Land Information (DLI) where appropriate, will collaborate on Crown land administration and management information needs, and will seek to develop and maintain compatible Crown land administration and management information systems;
- (g) will share information on budgets and expenditure for UCL and UMR administration and management; and
- (h) will collaborate on the preparation of reports to Government on the administration and management of UCL and UMRs.

## **9. Specific responsibilities and obligations of DPI**

In the administration of UCL and UMRs, DPI:

- (a) is the 'Department principally assisting the Minister in the administration of this Act' as defined by s.3 of the LAA;
- (b) retains full responsibility for exercising powers under the LAA in relation to disposition of Crown land. Functions remaining with DPI are described in Attachment 3; and
- (c) will advise CALM of dispositions of UCL and UMR, to enable CALM to modify management activities.

## **10. Specific responsibilities and obligations of CALM**

In the management of UCL and UMRs, CALM:

- (a) will manage fire and other agreed hazards, to the extent they are funded by the State Government of Western Australia by: (i) identifying hazards, (ii) allocating priorities that protect community and environmental values, and (iii) implementing activities that mitigate the impact of fire hazards;
- (b) will at the commencement of each financial year advise DPI which of the management functions referred to in Attachments 4 and 5 as CALM's responsibility, CALM will not perform due to funding limitations;
- (c) will participate in, and develop where appropriate, liaison structures with traditional owners, neighbours, community, local governments and Government agencies for the management of UCL and UMRs;
- (d) will maintain where practicable the historical commitments and relations with UCL and UMR neighbours;
- (e) will promote the conservation of biodiversity and the provision of sustainable multiple landuse benefits;
- (f) will comply with the procedural rights afforded registered native title claimants and endeavour to involve traditional owners in joint management activities;
- (g) will seek to ensure that fire prevention works are prioritised to cater for the protection needs of neighbours and local communities;
- (h) will integrate the management of UCL and UMRs with the management of other neighbouring Crown and freehold lands;
- (i) will recognise DPI's on-going administration and management responsibilities under the LAA outside the terms and conditions of this 'agreement'; and
- (j) will arrange for submission to the Governor of an order under s.33(2) of the CALM Act within two months of the date of execution of this 'agreement', to give legal effect to the objectives of this 'agreement'.

## **11. Management roles and agency responsibilities**

- (a) The roles and agency responsibilities agreed by the parties for the administration and management of UCL and UMRs are summarised in Attachment 4.
- (b) The roles and agency responsibilities agreed in principle by the parties for the administration and management of UCL and UMRs, where the management component is not yet funded<sup>2</sup>, are summarised in Attachment 5.

## **12. Liaison between the parties**

- (a) The regional boundaries applied by the Land Administration Management Services Branch of DPI are shown in Attachment 6.

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<sup>2</sup> Unfunded management functions on UCL and UMRs remain the responsibility of DPI

- (b) The regional boundaries applied by CALM are shown in Attachment 7.
- (c) Organisation structures for the administration (DPI) and management (CALM) of UCL and UMRs are shown in Attachment 8 and Attachment 9.
- (d) The principal contacts details for the administration and management of UCL and UMRs, respectively are summarised in Attachment 10 and Attachment 11.
- (e) The lines of communications between the parties and the levels for issue resolution and decision are summarised in Attachment 12.

### **13. Order under s.33(2) of the CALM Act**

The parties will work together on developing the agreed wording of an order to be submitted to their respective Ministers and then to the Governor, providing for management of UCL and UMRs pursuant to s.33(2) of the CALM Act and in accordance with the terms and intent of this 'agreement'. The order will be submitted to the Governor within 2 months of the date of execution of this 'agreement', and aside from the commencing date, will be for a period of time corresponding to the term of the MOU. Where terms of the MOU are varied by agreement between the parties, or where a new MOU is negotiated, the parties will also collaborate in revising the wording of the order as appropriate, for re-submission to their respective Ministers and the Governor. Where the MOU is terminated, the parties will collaborate in preparing and submitting a revocation order.

### **14. Indemnity**

In consideration of:

- (a) DPI providing land information (subject to agreement with DLI where appropriate) pursuant to this 'agreement'; and
- (b) the transfer of management of the UCL and UMRs in accordance with this 'agreement' to CALM:

CALM agrees to indemnify, and to keep indemnified, DPI and the Minister and the Crown and all officers of the Minister, the Crown, all Ministers of the Crown and all instrumentalities thereof, servants, workmen and contractors of any of them and against all actions, claims, costs, proceedings, suits and demands whatsoever which may at any time be brought, maintained, or made against all or anyone of them:

- (i) in respect of any death or injury sustained by any person including an officer, servant workman, agent or contractor of the Crown, the Minister, DPI or any Ministers of the Crown or of any instrumentality thereof;
- (ii) in respect of any loss (including loss of use) injury, or damage of or to any nature or kind of property:

to the extent that such loss, injury, death or damage is directly or indirectly caused by or arises out of, or in connection with:

- (iii) the management of UCL and UMR in accordance with this 'agreement' by CALM and its employees, agents, contractors, visitors and invitees;
- (iv) the provision of land information by DPI; and

(v) any activities undertaken in reliance on the land information provided; and

to the extent the land information provided to CALM by DPI is derived from the most accurate, up-to-date, and relevant corporate data held by DPI and/or DLI; and

to the extent that any claim for such loss, injury, death or damage does not preclude the unfettered legal powers and responsibilities of the Minister for Lands under the LAA.

## **15. Governing Law and Jurisdiction**

- (a) This 'agreement' is governed by and will be construed in accordance with the laws of Western Australia.
- (b) The parties acknowledge and agree that except for clause 14, which is legally binding and legally enforceable, this 'agreement' is not legally binding and is not legally enforceable.
- (c) The parties acknowledge that the MOU does not fetter the legal powers and responsibilities of the Minister for Lands under the LAA.
- (d) The parties acknowledge and agree that except for clause 14 they do not intend and will not enforce this 'agreement' in any court of law.

## **16. Dispute resolution**

Each of the parties agrees to use its best efforts to resolve issues and disputes at the levels described in Attachment 12 and/or through mediation. When an unresolved dispute arises a Party will advise the other, and specify the nature and substance of the issue in dispute. The parties agree to expeditiously resolve the dispute through officer-level negotiation between appropriate officers and/or formal mediation involving key managers and Directors. If the dispute is not settled the Executive Director of CALM and the Director General of DPI, and/or the relevant Ministers will decide.

## **17. Variation and review**

This MOU describes the 'agreement' between the parties for the administration and management of UCL and UMRs based on current knowledge. It will be reviewed in March each year, and may be varied at any time with the agreement of the Director General, DPI and the Executive Director, CALM, so as to accommodate new information and the need for adaptive management.

## **18. Commencement of MOU**

This MOU will commence on the latest date on which it is signed by the parties under clause 21.

## **19. Term of and termination**

This MOU will continue for a term of five (5) years from the Date of Commencement, subject to clauses 17 and 20. Nothing in this 'agreement' will affect the rights of either party to terminate this 'agreement' upon giving the other party thirty (30) days notice in writing.

**20. Renewal and holding over**

If the parties agree, the MOU may remain in place for further review periods of 5 years each, or until terminated by agreement between the parties.

Where negotiations are still in course between the parties towards a revised or new MOU at the time this 'agreement' expires, the MOU will continue in force until replaced or renewed, unless either party specifies otherwise.

**21. Execution**

Signed by  
Keiran McNamara  
Executive Director  
**DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT**

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Date: .....

Signed by  
Greg Martin  
Director General  
**DEPARTMENT FOR PLANNING AND INFRASTRUCTURE**

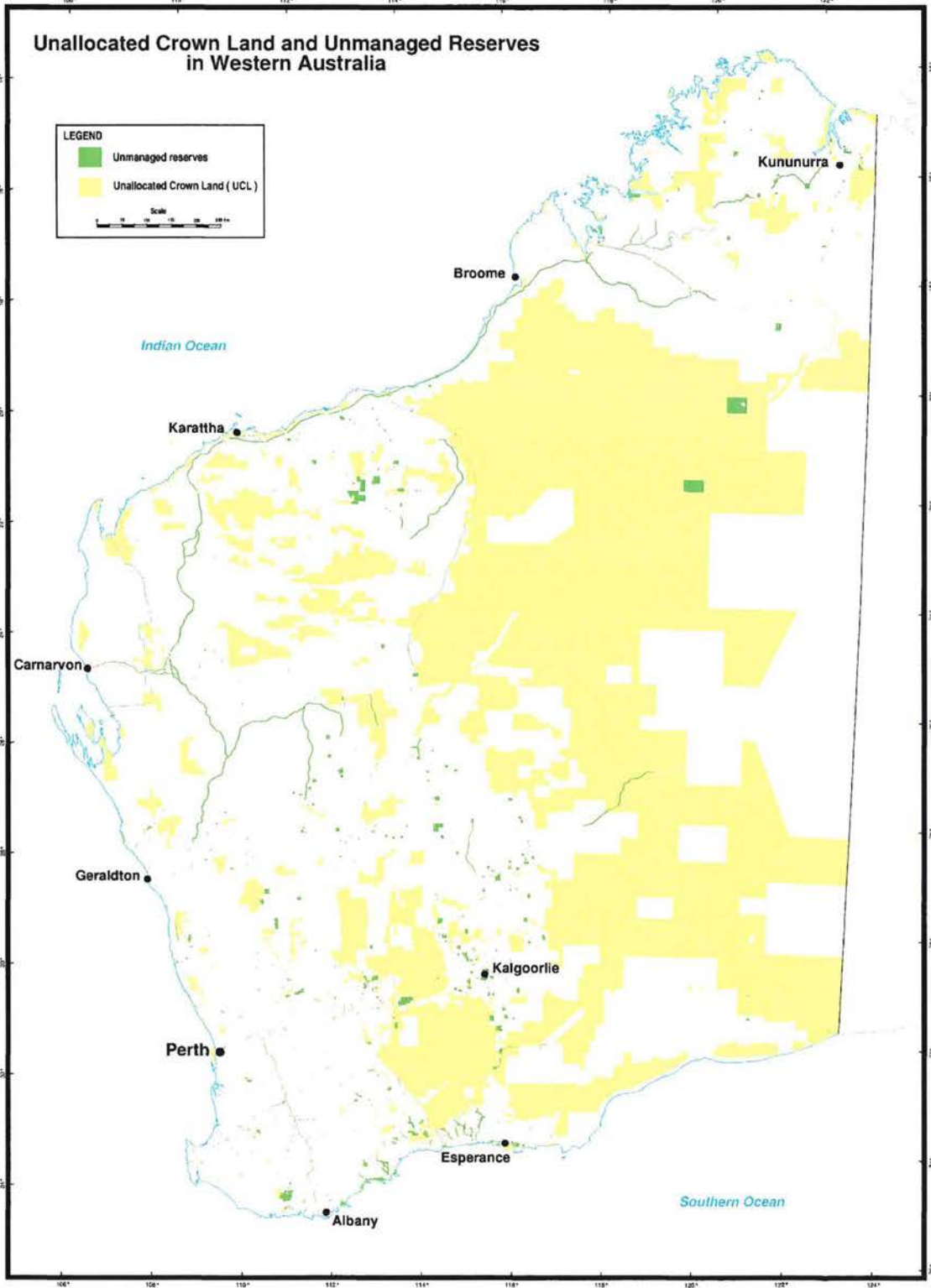
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Date: .....

The MOU is dated from the latest of the above signatures



INDICATIVE MAP OF UNALLOCATED CROWN LAND AND UNMANAGED RESERVES IN WESTERN AUSTRALIA



**FUNCTIONAL REVIEW TASKFORCE'S RECOMMENDATION THAT THE ON-GROUND MANAGEMENT OF NON-METROPOLITAN, NON-TOWNSITE CROWN LAND BE TRANSFERRED FROM DOLA TO CALM**

CABINET IN CONFIDENCE

APPENDIX 2

**8.8. Minister for the Environment and Heritage**

**8.8.1. DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT (CALM)**

**8.8.1.1. Management of the Crown Estate**

The Crown estate comprises 93 per cent of land in WA. The Department of Land Administration (DOLA) is currently responsible for managing more than one third of this land (unallocated Crown land and unvested reserves), and has responsibility for administrative matters to do with the entire estate. It is proposed to transfer this function to the Department of Planning and Infrastructure (DPI) when DOLA is restructured.

Other entities such as local government authorities manage Crown land vested in them and the Department of Agriculture provide inspections and advice on matters relating to pastoral lands. CALM manage the conservation reserve system, including some 9 per cent of the State's land area.

DOLA currently undertake only limited management of Crown land which can result in degradation of the land and biodiversity caused by a range of factors such as fires, feral animals, weeds and uncontrolled tourism.

There are currently two staff directly involved in undertaking land inspections, supplemented by other staff as required, at an estimated cost of \$0.35m. DOLA has also entered into agreements with other agencies such as CALM, Fire and Emergency Services Authority (fire and hazard control) and the Department of Agriculture (weed and vermin control) to assist in the management of this land. The cost of these contracts for 2002/03 is \$1.30m in total.

A proposal is also currently being considered for additional funds for managing fire risks on Crown land, as the current allocation is not considered sufficient to provide the necessary services. An amount of \$1.83m is being considered for 2003/04.

The Taskforce recommends that the on-ground management of non-metropolitan, non-townsite Crown land be transferred from DOLA to CALM. Under the *Conservation and Land Management Act 1984*, the Department has the statutory capacity to manage other land that may be vested in it by the Governor on the recommendation of the Minister. This does not preclude that the management control of this land could be changed from CALM if the land is required for other purposes in the future.

The transfer of this function would result in efficiency gains as well as improved effectiveness of the management of Crown land due to:

- CALM's substantial regional structure and on ground management presence, with around 800 FTEs being located in various areas of the State. The Department also has a close working relationship with the local Bush Fire Brigades in country locations.

**FUNCTIONAL REVIEW TASKFORCE'S RECOMMENDATION THAT THE ON-GROUND MANAGEMENT OF NON-METROPOLITAN, NON-TOWNSITE CROWN LAND BE TRANSFERRED FROM DOLA TO CALM**

**CABINET IN CONFIDENCE**

- The activities undertaken in managing this land (eg managing fire, pests, uncontrolled access, lease management) by DOLA are the same as those undertaken by CALM.

The transfer of this function will require DOLA's budget appropriation to be reduced by an estimated \$1.65m and a corresponding increase in CALM's budget, less \$0.7m for efficiency savings which CALM will find internally.

**Recommendation 49:**

- i) Responsibility for the on-ground management of non-metropolitan, non-townsite Crown land be transferred from DOLA to CALM.
- ii) This function should be transferred after existing and proposed arrangements are reviewed by CALM, DOLA, DPI and the Fire and Emergency Services Authority. This should include a review of the proposal to request additional funds for fire management.

*Savings: \$0.7m pa*

**FUNCTIONS REMAINING WITH THE DEPARTMENT FOR PLANNING AND INFRASTRUCTURE AS PROVIDED BY THE *LAND ADMINISTRATION ACT 1997* IN RELATION TO DISPOSITION OF CROWN LAND.**

**Policy, Legislation and Strategic**

- Provision of advice to the Minister for Lands on Crown land matters.
- Provision of reports and information in relation to the Crown estate.
- Development of legislation, policies and strategies for the Crown estate.
- Obtaining or providing clarification on legal and policy issues bearing on the Crown estate.
- Developing and maintaining strategic relationships in relation to the Crown estate's administration.
- Maintenance of stakeholder consultation and customer relationships with respect to the Crown estate's administration.
- Ensuring provision of resources for administration of the Crown estate.

**Lands Disposition and Acquisition**

- Strategic projects initiation and coordination.
- Ensuring provision of Crown land services to the community, to acceptable standards.
- Evaluating Crown land for appropriate use or disposition.
- Planning for the use or disposition of Crown land.
- Considering proposals for use or disposition of Crown land, in consultation with relevant agencies.
- Complying with law and policy in relation to the Commonwealth *Native Title Act 1993* (NTA) with respect to the use and disposition of Crown land:
  - determining whether action can proceed without reference to the NTA's future act regime;
  - compulsory acquisition of native title rights and interests where necessary;
  - determining whether an action can proceed under one of the varying NTA processes not requiring the compulsory acquisition of native title rights and interests;
  - negotiating agreements and consulting with native title holders/claimants;
  - notifying CALM of all pending and successful Native Title Claims and all issues related to Native Title.
- Acquiring interests in land from private ownership:
  - for public works (Part 9 of the *Land Administration Act 1997* (LAA));
  - native title interests (Part 9 of the LAA, and NTA generally);
  - through reversion;
  - through forfeiture;
  - through surrender;
  - associated negotiations, legal processes and compensation procedures.
- Arranging survey and preparation of graphics in relation to Crown land definition.
- Undertaking dispositions of Crown land, through:
  - creating, amending or cancelling reserves and associated management orders;
  - dedicating, deviating or closing roads;
  - granting leases, licences, easements and other tenures;
  - selling and transferring fee simples;
  - assisting other agencies in their property disposal programs affecting Crown or acquired land;
  - arranging planning approvals to dispositions of Crown land.
- Any associated functions in relation to conveyancing, enquiry, searching, and maintenance of land.

**FUNCTIONS REMAINING WITH THE DEPARTMENT FOR PLANNING AND INFRASTRUCTURE AS PROVIDED BY THE *LAND ADMINISTRATION ACT 1997* IN RELATION TO DISPOSITION OF CROWN LAND.**

**Lands Custodianship**

- Lease management (lease compliance, accounting, correspondence).
- Inspections and heritage surveys.
- Property management (public works building maintenance, tenancy interactions) and direct management of leases (eg. abandoned or acquired pastoral leases).
- Managing existing pastoral and other leases, unmanaged reserves and unallocated Crown land to ensure existing uses, practices or proposed uses –
  - o protect community, heritage and conservation values in Crown land and DOLA-controlled buildings;
  - o preserve inter-generational equity in Crown land, and sustainable development of Crown land;
  - o balance competing community demands for access to use of, or presentation of, Crown land.
- Protection of the State's and the community's interests in the Crown estate (administrative level).

**Lands Enforcement**

- Protection of the State's and the community's interests in the Crown estate through enforcement of laws administered by the Minister for Planning and Infrastructure (as Minister for Lands) governing access to and use of Crown land (administrative level).
- To the extent that the Minister for Planning and Infrastructure must legally be involved, defending litigation in relation to damages arising and Crown land.

**ROLES AND RESPONSIBILITIES FOR THE ADMINISTRATION AND (FUNDED) MANAGEMENT OF NON-METROPOLITAN; NON-TOWNSITE UNALLOCATED CROWN LAND AND UNMANAGED RESERVES**

Role	DPI Administration Responsibilities	CALM Management Responsibilities
Fire prevention <sup>3</sup>	<ul style="list-style-type: none"> <li>• Refer requests for fire treatment of UCL/UMRs to CALM.</li> <li>• To the extent covered by its MOU with DLI, ensure CALM access to information systems and the provision of data, from DLI, pertinent to fire prevention planning and fire suppression.</li> </ul>	<ul style="list-style-type: none"> <li>• Coordinate fire risk planning and the provision of risk management planning information.</li> <li>• Establish fire prevention priorities and allocate funds.</li> <li>• Approve FESA, local authority and contractor works programs for hazard management.</li> <li>• Implement strategic road construction and improvement projects where appropriate.</li> <li>• Implement fire prevention programs.</li> <li>• Set fire management standards and undertake performance monitoring.</li> <li>• Liaise with stakeholders and community groups in conjunction with FESA.</li> <li>• Develop communications and public participation processes.</li> </ul>
Weed and animal control	<ul style="list-style-type: none"> <li>• Refer requests for weed or animal control on UCL/UMRs to CALM</li> <li>• To the extent covered by its MOU with DLI, ensure the provision of relevant data to CALM from DLI pertinent to weed and animal control.</li> </ul>	<ul style="list-style-type: none"> <li>• Liaise with DAWA, Zone Control Authorities and community groups on declared plant and animal control.</li> <li>• Coordinate and implement declared plant and animal control programs on UCL and UMRs on a good neighbour basis to the extent resources permit.</li> <li>• Approve declared plant and animal control programs for contractors and community groups and allocate funds.</li> <li>• Implement weed and pest animal control where impacting on biodiversity or conservation values to the extent resources permit.</li> <li>• Develop communications and public participation processes.</li> <li>• Develop policy and implement programs for weed and pest animal control on CALM managed lands.</li> </ul>

<sup>3</sup> Wildfire suppression remains the responsibility of the Fire and Emergency Services Authority and local governments.

**ROLES AND RESPONSIBILITIES FOR THE ADMINISTRATION AND (FUNDED) MANAGEMENT OF NON-METROPOLITAN; NON-TOWNSITE UNALLOCATED CROWN LAND AND UNMANAGED RESERVES**

Role	DPI Administration Responsibilities	CALM Management Responsibilities
Harvesting of flora and forest produce <sup>4</sup>	<ul style="list-style-type: none"> <li>• Work cooperatively with CALM to resolve on-going flora and forest produce harvesting issues.</li> <li>• Participate in the review of the MOU between DPI and CALM for the management of the flora industry on UCL and UMRs (1.10.03)</li> </ul>	<ul style="list-style-type: none"> <li>• Manage the harvesting of flora and forest produce consistent with the MOU between DPI and CALM for the management of the flora industry on UCL and UMRs (1.10.03)</li> </ul>

<sup>4</sup> Forest Produce, except for the State forests and timber reserves described by the *Forest Management Plan 2004-2013*, is regarded as flora and managed according to the provisions of the *Wildlife Conservation Act 1950* on all categories of land within Western Australia. The CALM Act definition of forest produce applies to sandalwood. Extraction and enrichment programs are undertaken on UCL and UMRs by the Forest Products Commission under license issued by the Department of Conservation and Land Management according to the provisions of the *Sandalwood Act 1929* and the CALM Act.

**ROLES AND RESPONSIBILITIES FOR THE ADMINISTRATION AND (UNFUNDED) MANAGEMENT OF NON-METROPOLITAN; NON-TOWNSITE UNALLOCATED CROWN LAND AND UNMANAGED RESERVES**

Role	DPI Administration Responsibilities	CALM Management Responsibilities
Recreation management	<ul style="list-style-type: none"> <li>• Policy and legislation development, in liaison with CALM.</li> <li>• To the extent covered by its MOU with DLI, ensure provision to CALM of relevant land information data from DLI for recreation management.</li> <li>• Participate in interagency working groups dealing with recreational access to Crown land.</li> <li>• In consultation with CALM, provide tenure (eg., licences, reserves, public access routes) to address issues of recreational access to Crown land.</li> <li>• With CALM, negotiate and execute MOUs or partnership agreements with relevant interest groups (eg. 'Leave No Trace') to harness community participation.</li> </ul>	<ul style="list-style-type: none"> <li>• Manage and control access to the extent resources permit.</li> <li>• Design, construct and maintain recreation facilities and services, where appropriate.</li> <li>• Protect natural areas and biodiversity values from visitor use, dieback spread, wildfires, rubbish dumping and vandalism to the extent resources permit.</li> <li>• Develop contingency plans to limit the impact of natural disasters on recreation facilities.</li> <li>• Implement public access and recreation road construction and improvement projects where appropriate.</li> <li>• Monitor visitor numbers at specific locations.</li> <li>• Reduce the risks to visitors by risk management and mitigation actions.</li> <li>• Involve Aboriginal people in the planning and management of land and visitor services where appropriate.</li> <li>• Provide information to visitors on public use requirements and issues.</li> <li>• Liaison and development of recreation agreements (eg. 4x4 wheel drive groups).</li> <li>• Participate in interagency working groups dealing with recreational access to Crown land.</li> <li>• With DPI, negotiate and execute MOUs or partnership agreements with relevant interest groups (eg. Leave No Trace) to harness community participation.</li> </ul>



**ROLES AND RESPONSIBILITIES FOR THE ADMINISTRATION AND (UNFUNDED) MANAGEMENT OF NON-METROPOLITAN; NON-TOWNSITE UNALLOCATED CROWN LAND AND UNMANAGED RESERVES**

Role	DPI Administration Responsibilities	CALM Management Responsibilities
Risk management of hazards including UXOs	<ul style="list-style-type: none"> <li>• High level risk responsibilities.</li> <li>• Policy development in consultation with CALM.</li> <li>• Notification to CALM of risks.</li> <li>• With CALM maintenance of risk management plans.</li> <li>• With CALM, deal with insurance issues, and litigation arising from damages claims.</li> <li>• Liaison with CALM and relevant stakeholders (eg., FESA for UXO management) on strategic issues.</li> </ul>	<ul style="list-style-type: none"> <li>• Hazard assessment and analysis.</li> <li>• Establish risk management priorities.</li> <li>• Hazard mitigation programs.</li> <li>• Seek funds for hazard mitigation.</li> <li>• With DPI, maintenance of risk management plans.</li> <li>• With DPI, deal with insurance and litigation arising from damages claims.</li> <li>• While the database remains a CALM responsibility, maintain the UXO database.</li> </ul>
Management of special values	<ul style="list-style-type: none"> <li>• Policy and legislation development, liaising with CALM Regional Managers.</li> <li>• Land administration responsibilities.</li> <li>• With CALM, participate in interagency working groups developing solutions for protection of special values (eg. fossils).</li> </ul>	<ul style="list-style-type: none"> <li>• Manage significant biodiversity conservation, landscape, recreation, tourism, natural, Aboriginal and cultural heritage values jointly with Aboriginal people to the extent resources permit.</li> <li>• Manage natural heritage values in a regional context.</li> <li>• With DPI, participate in interagency working groups developing solutions for protection of special values (eg. paleo heritage).</li> </ul>
Incidental commercial activities (ie. not subject to LAA tenure)	<ul style="list-style-type: none"> <li>• Policy and legislation development, in liaison with CALM.</li> <li>• LAA tenure arrangements, where appropriate.</li> <li>• Appropriate authorisations, where CALM lack statutory power.</li> <li>• Referral of agreed proposals to CALM for action.</li> </ul>	<ul style="list-style-type: none"> <li>• Manage approved commercial filming.</li> <li>• License and manage commercial tour operators to the extent the law permits.</li> <li>• Communicate with commercial tour operators on public use requirements and issues.</li> <li>• Monitor tour operators and impacts at specific locations.</li> <li>• Issue permits for apiary sites and wildflower and seed harvesting in accordance with the CALM Act and the <i>Wildlife Conservation Act 1950</i>, and the MOU between DPI and CALM for the management of the flora industry on UCL and UMRs (1.10.03).</li> </ul>

**ATTACHMENT 5**  
**(continued)**

**ROLES AND RESPONSIBILITIES FOR THE ADMINISTRATION AND (UNFUNDED) MANAGEMENT OF NON-METROPOLITAN; NON-TOWNSITE UNALLOCATED CROWN LAND AND UNMANAGED RESERVES**

Role	DPI Administration Responsibilities	CALM Management Responsibilities
Management of contaminated lands	<ul style="list-style-type: none"> <li>• Identify contaminated lands, set policy (with CALM and relevant authorities) and develop and implement a framework and program for identifying potentially contaminated lands, having regard for past land use and tenure, and agreement with Department of Environment (DoE) on appropriate priorities, sample testing and decisions on requirements for treatment.</li> <li>• Treat particular sites to meet land administration objectives.</li> <li>• Decide on land disposition (eg. grants of tenure, etc).</li> <li>• To the extent covered by its MOU with DLI, provide any available relevant digital site information to CALM.</li> </ul>	<ul style="list-style-type: none"> <li>• Manage investigation and whole-of- government risk-based remediation processes, particularly on-ground liaison and supervision as requested by DPI and DoE.</li> <li>• Liaise with DPI and relevant authorities in development of policies and strategies.</li> </ul>
Control of trespass and illegal activities	<ul style="list-style-type: none"> <li>• Undertake Ministerial liaison, prepare correspondence with squatter shack owners implement processes for formal occupancy.</li> <li>• Deal with policy and legislation issues (in consultation with CALM).</li> <li>• Undertake delegations of ss.267 and 270 LAA powers.</li> <li>• Liaise with CALM on actions to deal with identified problems.</li> <li>• Undertake necessary legal action/prosecution.</li> </ul>	<ul style="list-style-type: none"> <li>• Manage inspections, liaison with shack owners, actions related to visits (burning-off, removal of rubbish), lease compliance information to DPI, shack removal and coordination where necessary with Police.</li> </ul>
Rubbish clean-ups	<ul style="list-style-type: none"> <li>• Liaise with CALM on actions to deal with identified problems.</li> <li>• Determine appropriate land disposition.</li> <li>• To the extent covered by its MOU with DLI, provide CALM with any available relevant digital site information.</li> </ul>	<ul style="list-style-type: none"> <li>• Undertake clean-ups.</li> </ul>
Scientific study	<ul style="list-style-type: none"> <li>• Where appropriate seek advice on research bona fides from CALM.</li> <li>• Approve research applications and advise CALM of research activities.</li> </ul>	<ul style="list-style-type: none"> <li>• Liaise with bona fide researchers and monitor on-site activities.</li> </ul>
Mining	<ul style="list-style-type: none"> <li>• Refer mining tenement application referrals from the Department of Industry and Resources (DoIR) to CALM as considered appropriate by DPI.</li> </ul>	<ul style="list-style-type: none"> <li>• Review procedures with DoIR to ensure appropriate conditions or referrals of proposals where impact may affect biodiversity and other land values of concern to CALM.</li> <li>• Evaluate proposals as resources permit.</li> </ul>

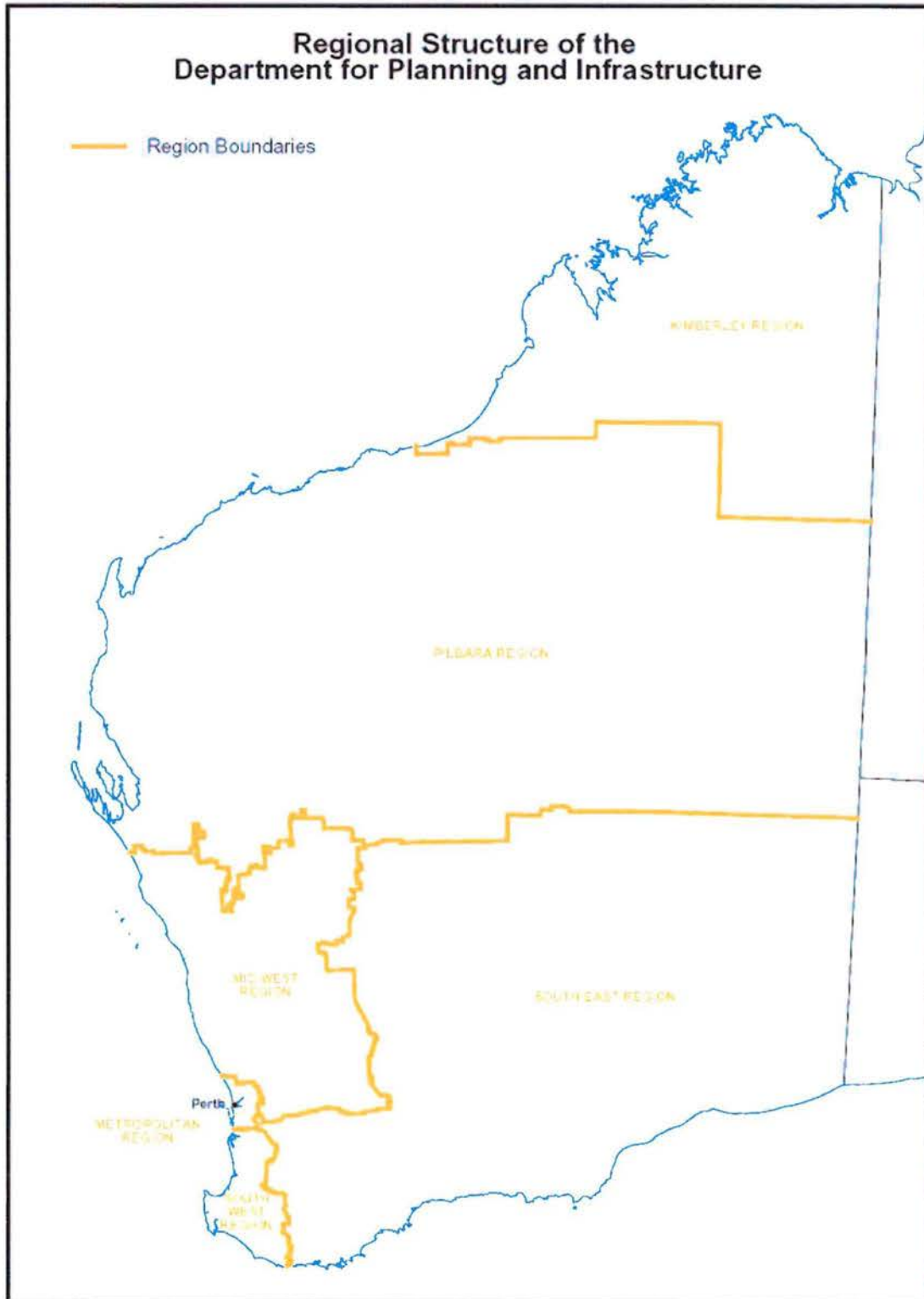
**ATTACHMENT 5**  
**(continued)**

**ROLES AND RESPONSIBILITIES FOR THE ADMINISTRATION AND (UNFUNDED) MANAGEMENT OF NON-METROPOLITAN; NON-TOWNSITE UNALLOCATED CROWN LAND AND UNMANAGED RESERVES**

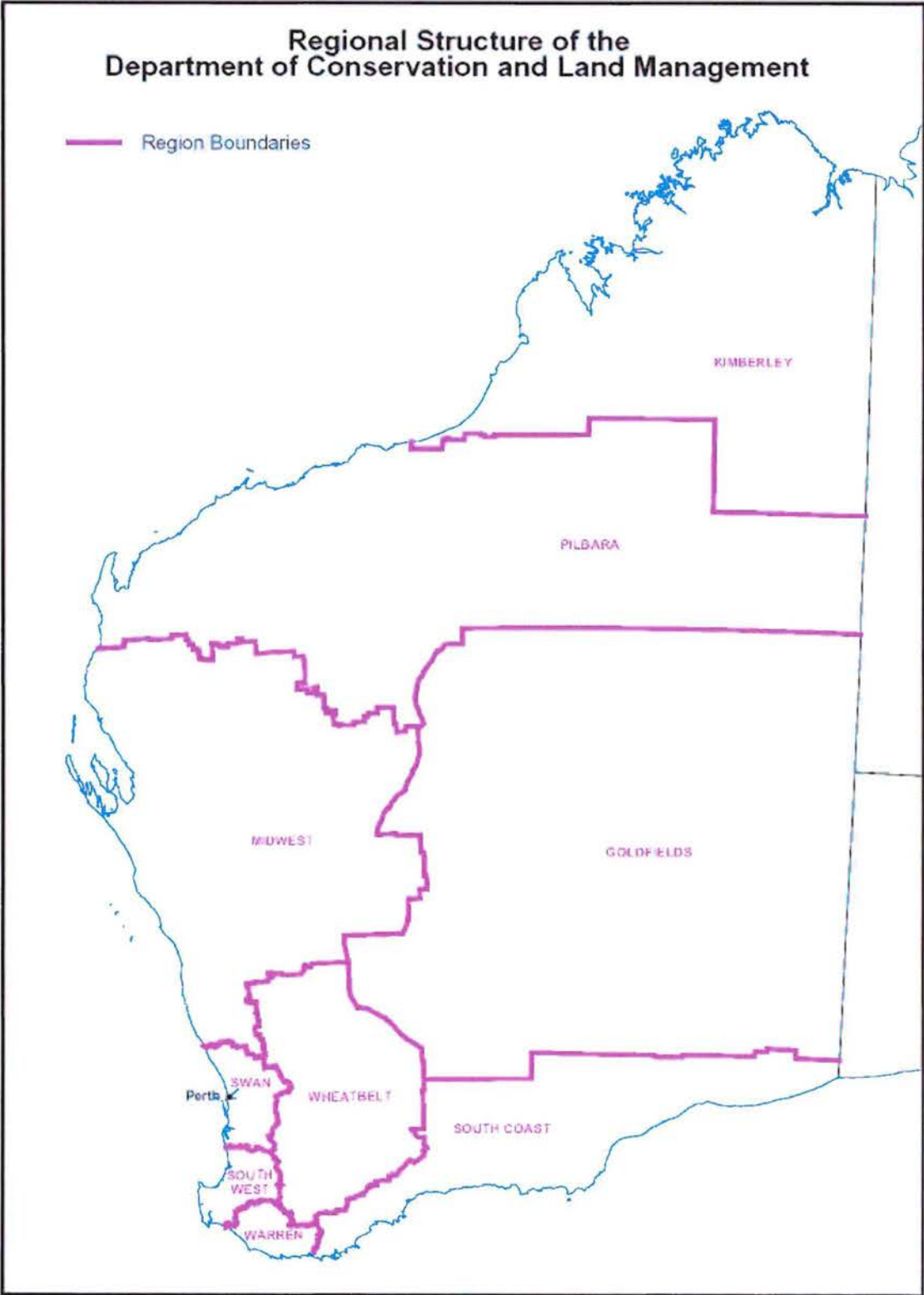
<b>Role</b>	<b>DPI Administration Responsibilities</b>	<b>CALM Management Responsibilities</b>
Volunteers	<ul style="list-style-type: none"> <li>• Develop high-level risk management policies and assume legal responsibilities.</li> <li>• Liaise with CALM in developing partnership agreements, MOUs, etc. to harness community involvement in Crown land management.</li> </ul>	<ul style="list-style-type: none"> <li>• Facilitate grant applications, and liaise with volunteer groups and management of site works.</li> <li>• Liaise with DPI in developing partnership agreements, MOUs, etc to harness community involvement in Crown land management.</li> </ul>
Land Administration	<ul style="list-style-type: none"> <li>• To the extent covered by its MOU with DLI, provide current land administration data to CALM.</li> <li>• Provide advice, in digital form, of the dispositions and use of UCL and UMRs.</li> </ul>	<ul style="list-style-type: none"> <li>• Provide agreed land management services on identified tenure.</li> <li>• Modify land management strategies and operations based on the definition of the land management area.</li> </ul>
Environmental assessments/ Development proposals	<ul style="list-style-type: none"> <li>• Refer selected matters to CALM for field assessment.</li> </ul>	<ul style="list-style-type: none"> <li>• Undertake field assessment where/when opportunities and resources permit.</li> </ul>
CALM - acquired pastoral leases <sup>5</sup>	<ul style="list-style-type: none"> <li>• Participate with CALM in the development and maintenance of an MOU in relation to acquisition and management of pastoral leases for the conservation estate.</li> </ul>	<ul style="list-style-type: none"> <li>• Participate with DPI in the development and maintenance of an MOU in relation to acquisition and management of pastoral leases for the conservation estate.</li> </ul>

<sup>5</sup> An MOU between CALM and DPI formalises arrangements for the interim holding of land purchased or transferred under pastoral lease title by CALM, to add to the conservation estate. In the absence of clearance for reservation under the NTA and agreement by the Department of Industry and Resources to interim reservation, the acquired land will become UCL subject to management services provided under section 33(1)(f) of the CALM Act or management placement managed by CALM under section 33 section 33(2) of the , CALM Act until it is reserved for conservation estate.

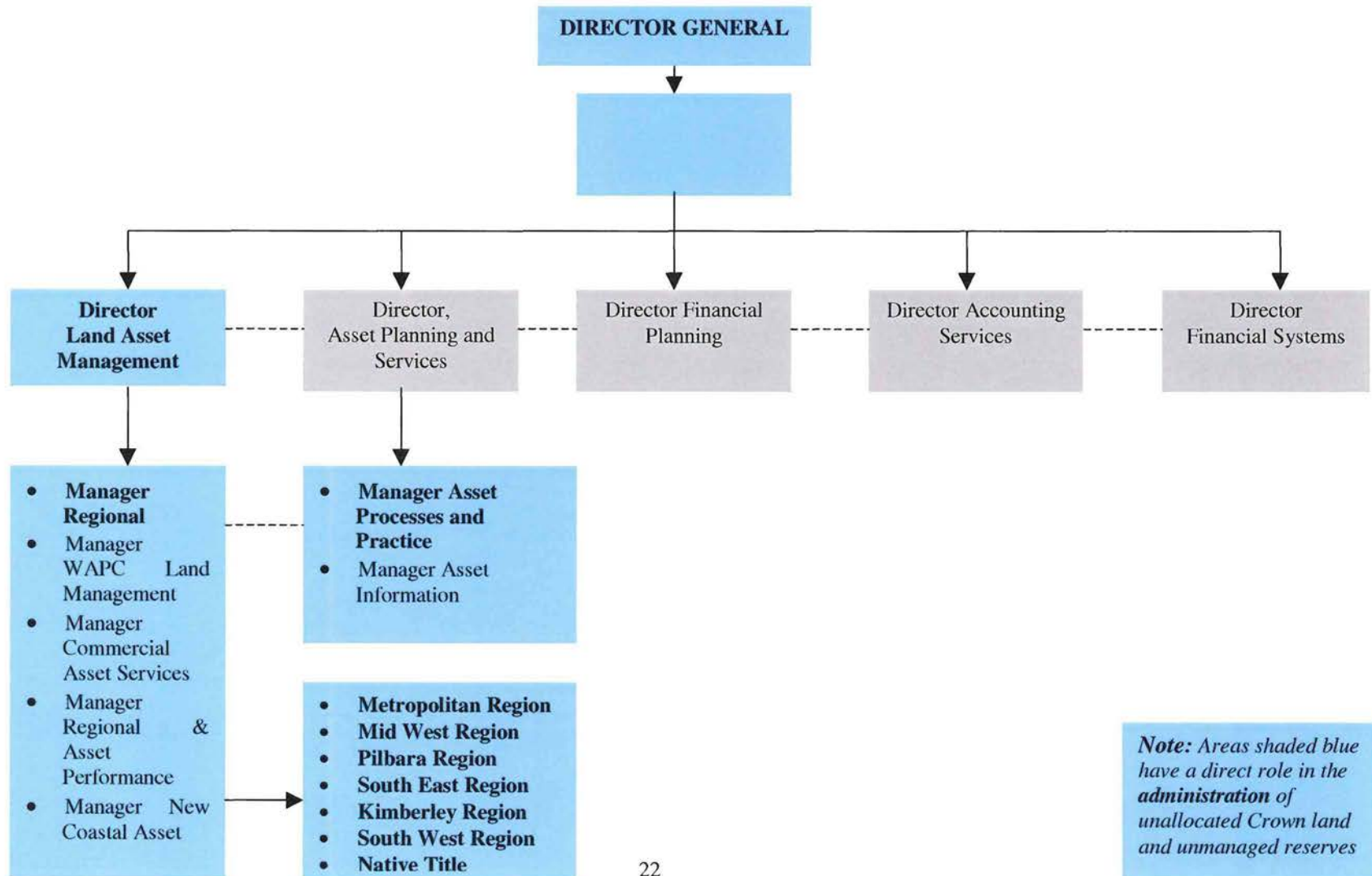
**REGIONAL BOUNDARIES FOR THE LAND ADMINISTRATION MANAGEMENT SERVICES  
BRANCH OF THE DEPARTMENT FOR PLANNING AND INFRASTRUCTURE**



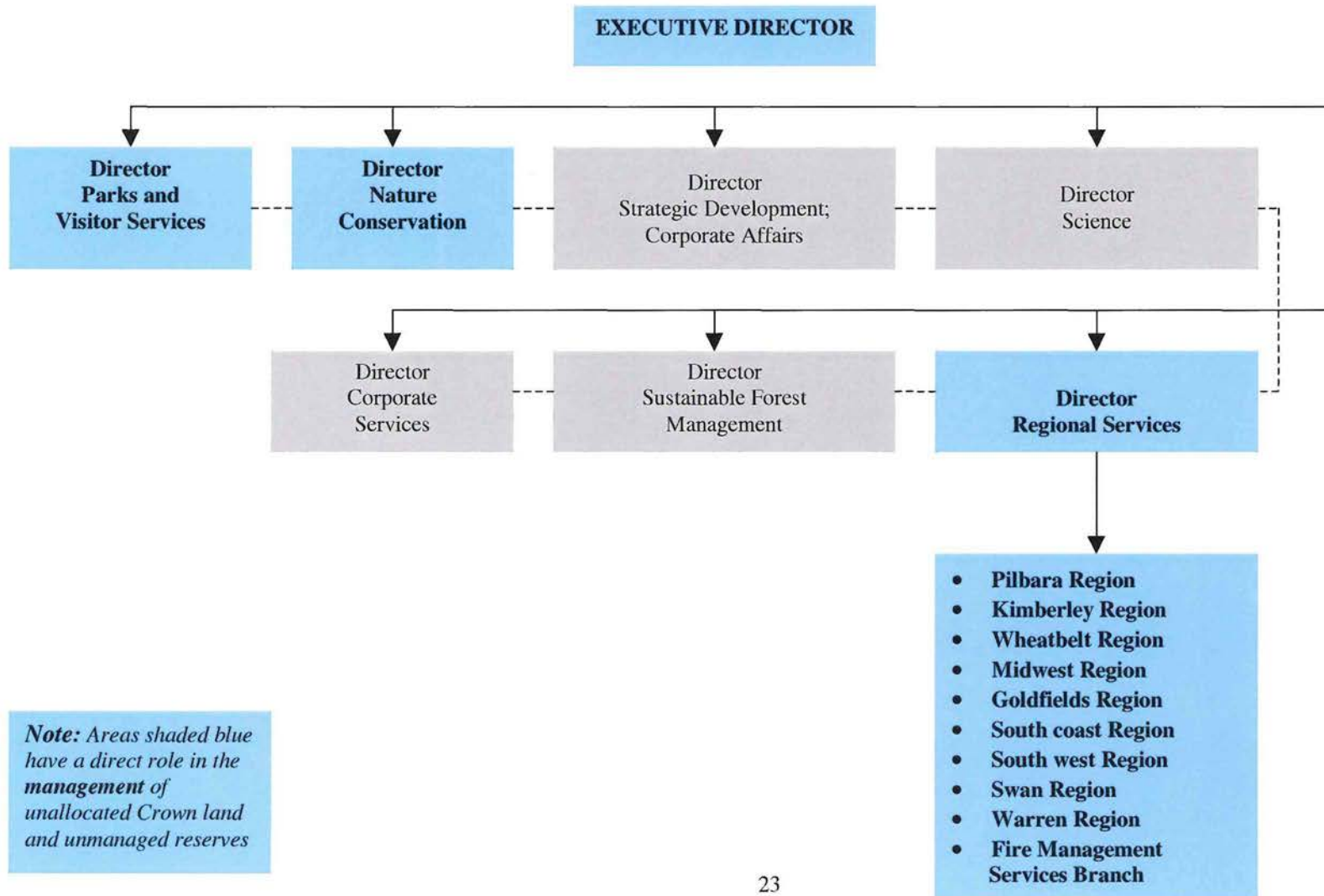
REGIONAL BOUNDARIES FOR THE DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT



DEPARTMENT FOR PLANNING AND INFRASTRUCTURE ORGANISATION CHART



DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT ORGANISATION CHART



**ATTACHMENT 10**

**DEPARTMENT FOR PLANNING AND INFRASTRUCTURE ORGANISATION PRINCIPAL CONTACTS FOR THE MANAGEMENT OF UNALLOCATED CROWN LAND AND UNMANAGED RESERVES**

<b>Position</b>	<b>Name</b>	<b>Address</b>	<b>Email</b>	<b>Phone</b>	<b>Fax</b>	<b>Mobile</b>
Director General	Greg Martin	469 Wellington Street Perth 6000	<a href="mailto:greg.martin@dpi.wa.gov.au">greg.martin@dpi.wa.gov.au</a>	9264 7501	9264 7511	
Executive Director, Commercial and Asset Services	Athol Jamieson	441 Murray Street Perth 6000	<a href="mailto:athol.jamieson@dpi.wa.gov.au">athol.jamieson@dpi.wa.gov.au</a>	9216 8257	9216 8001	0417 959 605
Director Asset Management	Peter McNally	469 Wellington Street Perth 6000	<a href="mailto:peter.mcnally@dpi.wa.gov.au">peter.mcnally@dpi.wa.gov.au</a>	9264 7521	9264 7566	0418 913 036
Acting Branch Manager, Land Asset Management Executive	Neil Parry	PO Box 1575, Midland 6936	<a href="mailto:neil.parry@dpi.wa.gov.au">neil.parry@dpi.wa.gov.au</a>	9347 5001	9347 5001	0407 988 550
Manager, Asset Processes and Practice, Asset Planning and Services	Dan Collins	PO Box 1575, Midland 6936	<a href="mailto:dan.collins@dpi.wa.gov.au">dan.collins@dpi.wa.gov.au</a>	9347 5104	9347 5002	
Manager Land Asset Metropolitan Region	Larry Fouracres	PO Box 1575, Midland 6936	<a href="mailto:larry.fouracres@dpi.wa.gov.au">larry.fouracres@dpi.wa.gov.au</a>	9347 5107	9347 5002	04 3885 1231
Manager Land Asset Mid West Region	Grant Arthur	PO Box 1575, Midland 6936	<a href="mailto:grant.arthur@dpi.wa.gov.au">grant.arthur@dpi.wa.gov.au</a>	9347 5100	9347 5003	04 3885 1228
Manager Land Asset Pilbara Region	Henty Farrar	PO Box 1575, Midland 6936	<a href="mailto:henty.farrar@dpi.wa.gov.au">henty.farrar@dpi.wa.gov.au</a>	9347 50034	9347 5001	04 3885 1229
Manager Land Asset South East Region	Ken McCrackan	PO Box 1575, Midland 6936	<a href="mailto:ken.mccrackan@dpi.wa.gov.au">ken.mccrackan@dpi.wa.gov.au</a>	9347 50049	9347 5004	04 38851 227
Acting Manager Land Asset Kimberley Region (Metropolitan Based)	Steve Burgess	PO Box 1575, Midland 6936	<a href="mailto:steve.burgess@dpi.wa.gov.au">steve.burgess@dpi.wa.gov.au</a>	9347 5052	9167 1048	04 2421 02840
Acting Team Leader Kununurra Office	Murray Raven	PO Box 630, Kununurra 6743	<a href="mailto:murray.raven@dpi.wa.gov.au">murray.raven@dpi.wa.gov.au</a>	9168 0256	9168 1048	04 0719 8660
Acting Manager, Land Asset South West Region (Metropolitan based)	Ron Pumphrey	PO Box 1575, Midland 6936	<a href="mailto:ron.pumphrey@dpi.wa.gov.au">ron.pumphrey@dpi.wa.gov.au</a>	9347 5090	9347 5005	04 3885 1230
Project Officer, Bunbury Office	Bob Hamilton	61 Victoria Street, Bunbury 6230	<a href="mailto:bob.hamilton@dpi.wa.gov.au">bob.hamilton@dpi.wa.gov.au</a>	9791 0836	9791 0835 9791 0838	04 1798 8211
Manager, Native Title	Trevor Ramsden	PO Box 1575, Midland 6936	<a href="mailto:trevor.ramsden@dpi.wa.gov.au">trevor.ramsden@dpi.wa.gov.au</a>	9347 5029	9347 5001	04 0795 5009



**ATTACHMENT 11**

**DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT PRINCIPAL CONTACTS FOR THE MANAGEMENT OF UNALLOCATED CROWN LAND AND UNMANAGED RESERVES**

<b>Position</b>	<b>Name</b>	<b>Postal Address</b>	<b>Email</b>	<b>Phone</b>	<b>Fax</b>	<b>Mobile</b>
Executive Director	Keiran McNamara	Locked Bag 104 Bentley Delivery Centre 6983	kieranm@calm.wa.gov.au	9442 0325	9386 7112	
Director, Regional Services	Alan Walker	Locked Bag 104 Bentley Delivery Centre 6983	alanw@calm.wa.gov.au	9442 0328	9386 6399	04 1792 0887
A/Director, Nature Conservation	Gordon Wyre	Locked Bag 104 Bentley Delivery Centre 6983	gordonw@calm.wa.gov.au	9442 0302	9368 1286	04 1998 9670
Director, Parks and Visitor Services	Jim Sharp	Locked Bag 104 Bentley Delivery Centre 6983	jims@calm.wa.gov.au	9442 0304	9368 1286	04 0797 7704
Project Manager, Crown Land Services	Drew Haswell	Locked Bag 104 Bentley Delivery Centre 6983	drewh@calm.wa.gov.au	9334 0337	9334 0458	04 1893 1101
Manager, Fire Management Services Branch	Rick Sneeuwjagt	Locked Bag 104 Bentley Delivery Centre 6983	ricks@calm.wa.gov.au	9334 0366	9386 6399	04 1794 8335
A/Manager, Nature Protection Branch	Dave Mell	Locked Bag 104 Bentley Delivery Centre 6983	davidm@calm.wa.gov.au	9334 0429	9334 0292	04 1993 8752
UCL Land Management Coordinator	Michelle Widmer	PO Box 1693, Bunbury 6231	michellew@calm.wa.gov.au	9725 25950	9725 4900	04 3997 7389
Nature Protection Coordinator	John Asher	PO Box 1693, Bunbury 6231	johna@calm/wa.gov.au	9725 5951	9725 4900	04 0893 2843
A/Manager, Pilbara Region	Stephen White	PO Box 835, Karratha 6714	stephenw@calm.wa.gov.au	9143 1488	9144 1118	04 2743 1488

**ATTACHMENT 11**  
(continued)

**DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT PRINCIPAL CONTACTS FOR THE MANAGEMENT OF UNALLOCATED CROWN LAND AND UNMANAGED RESERVES**

<b>Position</b>	<b>Name</b>	<b>Postal Address</b>	<b>Email</b>	<b>Phone</b>	<b>Fax</b>	<b>Mobile</b>
A/Manager, Kimberley Region	Gae Mackay	PO Box 942, Kununurra 6743	gaem@calm.wa.gov.au	9168 4202	9168 2179	04 1891 9384
Manager, Wheatbelt Region	Bruce Bone	PO Box 100, Narrogin 6312	bruceb@calm.wa.gov.au	9881 9222	9881 3297	04 2717 9710
Manager Mid West Region	Kelly Gillen	PO Box 72, Geraldton 6531	kellyg@calm.wa.gov.au	9921 15955	9921 5713	04 1994 1629
Manager, Goldfields Region	Ian Kealley	PO Box 10173, Kalgoorlie 6433	iank@calm.wa.gov.au	9021 2677	9021 7831	04 1797 9904
Manager, South Coast Region	John Watson	120 Albany Highway Albany 6330	johnw@calm.wa.gov.au	9842 4515	9841 3329	
Manager South West Region	Bob Chandler	PO Box 1693, Bunbury 6231	robertc@calm.wa.gov.au	9725 5908	9725 4351	04 1890 8228
Manager, Swan Region	Alan Sands	Locked Bag 104 Bentley Delivery Centre 6983	alans@cal.wa.gov.au	9474 7023	9368 4299	04 1990 5514
Manager, Warren Region	Peter Keppel	Brain St., Manjimup 6258	peterk@calm.wa.gov.au	9771 7943	9777 1363	04 2871 7943

**ATTACHMENT 12**

**LINES OF COMMUNICATIONS BETWEEN THE DEPARTMENT FOR PLANNING AND INFRASTRUCTURE AND THE DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT FOR THE MANAGEMENT OF UNALLOCATED CROWN LAND AND UNMANAGED RESERVES**

<b>DPI</b>	<b>CALM</b>	<b>Issue Resolution and Decision Level</b>
Director General	Executive Director	Approval of formal agreements and Cabinet submissions. Interagency liaison at policy level.
Executive Director, Commercial & Asset Services Director, Asset Management	Director, Regional Services	Development of formal agreements and Cabinet Submissions. Interagency liaison at executive level. Central coordination of works program priorities and budget allocations. Reports to the Corporate Executive.
Acting Branch Manager, Land Asset Management Manager, Processes and Practice, Asset Planning and Services A/Manager, Native Title	Project Manager, Crown Land Services	Policy, scientific, technical and liaison support to CALM's Director, Regional Services.
A/Branch Manager, Land Asset Management Manager, Processes and Practice, Asset Planning and Services	Manager, Fire Management Services Branch	Statewide coordination of fire prevention risk management, information systems, strategic planning, liaison, standards, and monitoring.
Acting Team Leader Kununurra Office Project Officer, Bunbury Office	A/Manager, Nature Protection Branch	Statewide coordination of weed and animal control, information systems, strategic planning, liaison, standards, and monitoring.
Acting Team Leader Kununurra Office Project Officer, Bunbury Office	UCL Land Management Coordinator	Statewide coordination of fire prevention and weed and animal control operations.
Manager, Land Asset, Pilbara Region	Manager, Pilbara Region	Regional coordination and implementation of Crown land management services, including strategic and annual works programming, financial management, liaison and special services.
Acting Manager, Land Asset Kimberley Region (Metropolitan Based)	Manager, Kimberley Region	Regional coordination and implementation of Crown land management services, including strategic and annual works programming, financial management and liaison.

**LINES OF COMMUNICATIONS BETWEEN THE DEPARTMENT FOR PLANNING AND INFRASTRUCTURE AND THE DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT FOR THE MANAGEMENT OF UNALLOCATED CROWN LAND AND UNMANAGED RESERVES**

DPI	CALM	Decision Level
Manager, Land Asset South East Region Manager, Land Asset Mid West Region	Manager, Wheatbelt Region	Regional coordination and implementation of Crown land management services, including strategic and annual works programming, financial management and liaison.
Manager, Land Asset, Mid West Region	Manager Mid West Region	Regional coordination and implementation of Crown land management services, including strategic and annual works programming, financial management and liaison.
Manager, Land Asset, South East Region	Manager, Goldfields Region	Regional coordination and implementation of Crown land management services, including strategic and annual works programming, financial management and liaison.
Manager, Land Asset, South East Region	Manager, South Coast Region	Regional coordination and implementation of Crown land management services, including strategic and annual works programming, financial management and liaison.
Acting Manager, Land Asset, South West Region (Metropolitan based)	Manager, South West Region	Regional coordination and implementation of Crown land management services, including strategic and annual works programming, financial management and liaison.
Manager, Land Asset, Metropolitan Region	Manager, Swan Region	Regional coordination and implementation of Crown land management services, including strategic and annual works programming, financial management and liaison.
A/Manager, Land Asset, South West Region (Metropolitan based)	Manager, Warren Region	Regional coordination and implementation of Crown land management services, including strategic and annual works programming, financial management and liaison.