

## Annexure B

### Features of the Enabling Bill

1. The Enabling Bill must contain the following provisions:
  - (a) To empower the Minister for Lands to implement the State's obligations under the Land Base Strategy.
  - (b) To provide that the Minister for Lands may implement the terms of the Land Base Strategy despite any inconsistency with the provisions of the *Land Administration Act 1997* (WA) (**LAA**).
  - (c) To exempt the transfer of land as set out in the South West ILUA and Land Base Strategy to the Noongar Boodja Trust from transfer duty under the *Duties Act 2008* (WA).
  - (d) To authorise the Minister for Lands to grant licences to the Regional Corporations in terms of Annexure O to the Settlement Terms and related amendments including to provide that:
    - (i) the Licences are deemed to be licences granted under section 91 of the LAA;
    - (ii) section 48 of the LAA does not apply to the Licences;
    - (iii) the approval required under section 91(5) of the LAA as it is from time to time is not to apply in respect of the Licence area;
    - (iv) the power to create, grant or exercise any interest, right, title or power in relation to any part or all of the Licence areas under any enactment is not affected by the grant of the Licence;
    - (v) the Licence may be amended and terminated by the Minister only in accordance with the terms of the Licence, and the Licence may not be terminated under section 91(3) of the LAA; and
    - (vi) there are necessary legal formalities so that any amended Licence (other than an amendment which reduces or changes the areas of land covered by the Licence brought about by operation of clauses 2.3, 2.4, 2.5 and 2.8 of the Licence) and any replacement Licence can be tabled in Parliament, subject to a resolution disallowing the amended Licence.
  - (e) To provide that Unallocated Crown Land (**UCL**) does not cease to be UCL by virtue of the grant of the Licence.
2. The Enabling Bill may contain the following provisions:
  - (a) To provide that the grant of a Licence or the doing of anything under the Licence is not an act of the Crown or an activity undertaken by the Crown, for the purposes of section 264(2)(a) of the LAA; members of the agreement groups who enter and use the Licence Area do so entirely at their own risk; and the Licence is not to be taken into account in determining whether the Crown is an occupier of relevant land under the *Occupiers Liability Act 1985*, the common law or otherwise, or whether a risk is foreseeable under section 5B(1)(a) of the *Civil Liability Act 2002* (WA).

- (b) Any other measures that the State considers necessary to implement its obligations under clause 8 and 13.1 of the Settlement Terms.