



Binjareb Boodja  
**Landscapes**  
2025

Appendix

*Federal and State  
Government Legislation  
and Policies Review*

## Appendix C: Key Commonwealth and State Government legislation and policies

Protection and management of natural resources in the Peel-Harvey Catchment occurs through a broad range of legislation and policies operating at the Federal, State and local government levels. Numerous State and Federal Government agencies and the XX local governments in the Peel-Harvey Catchment administer this legislation.

The Peel-Harvey Natural Resource Management Strategy (interim) has been prepared in the knowledge of this legislation and policies, and complements the statutory and administrative responsibilities of Government.

In Western Australia, coordinated management of natural resources or catchment management are not administered under legislation and regional NRM groups such as the Peel-Harvey Catchment Council are non-statutory bodies.

The main legislation controlling and influencing the use, protection and management of natural resources are listed in Table XX with a brief description of their application in the Peel-Harvey Catchment.

Table XX shows that a number of statutory instruments have been applied specifically to the Peel-Harvey Catchment, and most specifically the Coastal Plain Catchment (Coastal Plain and Ramsar, Coastal and Marine Subsystems). These include, for example, polices under the Planning and Development Act 2005 and the Environmental Protection Act 1986. Most legislation and policies are reactive in nature and aim to 'control and regulate'. A key feature of natural resource management in Western Australia is that it is proactive and positive in nature.

**Table 1: Key Legislation and policies related to NRM in the Peel-Harvey Catchment**

Legislation	Application and relevance to the Peel-Harvey Catchment
<i>Aboriginal Heritage Act 1972</i>	The Act protects sites and objects used or valued by Aboriginal People for their cultural, traditional or spiritual significance, including archaeological artefacts. The Act makes it an offence to damage sites and objects of significance to Aboriginal People, even if the site is not Registered under the Act. Sites of significance to Aboriginal people, or may be of significance for their cultural or spiritual value. Many sites of significance to Aboriginal People revolve around water, wetlands and watercourses.
<i>Biosecurity and Agricultural Management Act 2007</i>	The <i>Biosecurity and Agriculture Management Act 2007</i> (BAM Act) is the principal legislation for the management of pests within Western Australia. It establishes a regulatory framework under the Minister for Agriculture and Food to provide effective biosecurity and agricultural management and provide a state-wide response to pest control. Under the Act, Recognised Biosecurity Groups can be formed and have the power to raise rates from in an area to fund control of declared pests. A declared pest is a prohibited organism that has or may have an adverse effect on another organism, human being, the environment, agriculture, fishing or related commercial activities.
<i>Conservation and</i>	Under this Act, State forest, timber reserves, marine parks, marine nature

Legislation	Application and relevance to the Peel-Harvey Catchment
<i>Land Management Act 1984</i>	<p>reserves and marine management areas are created. Under the CALM Act, national parks, conservation parks, nature reserves, State forest and timber reserves are automatically vested in the Conservation Commission of Western Australia. Marine parks, marine nature reserves and marine management areas are automatically vested in the Marine Parks and Reserves Authority (Department of Parks and Wildlife)</p> <p>This act has a large bearing on how all of these types of reserves are managed.</p> <p>A significant amendment to the CALM Act in 2012 has enabled the relevant land management agency (i.e. Department of Parks and Wildlife) to enter into joint land management arrangements with Aboriginal People. Joint management can occur over any land vested in, or under the care of, the Conservation Commission of Western Australia or the Marine Parks and Reserves Authority. This change is designed to facilitate the involvement of Aboriginal People in the management of lands for conservation, recognising the intrinsic connection that Aboriginal people have with land (Department of Environment and Conservation , 2012)</p>
<i>Environment Protection and Biodiversity Conservation Act 1999 (Federal) (EPBC Act)</i>	<p>Identifies and aims to protect Matters of National Environmental Significance (MNES). Ramsar Sites such as the Peel-Yalgorup System, and threatened species such as Carnaby's Black Cockatoo, are MNES.</p> <p>Proposals which are likely to impact on matters of MNES are required to be referred to the Federal Government for assessment.</p> <p>A large part of the Coastal Plain portion of the Peel-Harvey Region is covered by a Strategic Assessment of the Perth and Peel Regions (SAPPR) being undertaken under the EPBC Act. The Strategic Assessment aims to protect MNES that are likely to be impacted by the planned expansion of the Perth and Peel Regions. The SAPPR is being conducted by the State Government.</p>
<i>Environmental Protection Act 1986</i>	<p>An overarching act that aims to protect Western Australia's environment. It does this through creation of the Environmental Protection Authority, setting standards of environmental impact assessment, native vegetation clearing control, control of pollution, gazettal of Environmental Protection Policies (EPP) and the preparation of advice to the Minister and public.</p> <p>Regulations under this Act control the clearing of native vegetation. The regulations restrict the clearing of native vegetation unless the clearing is in accordance with a clearing permit, or the activity causing the clearing is exempt under the Regulations.</p> <p>In the Peel-Harvey Catchment, key EPPs are:</p> <ul style="list-style-type: none"> <li>• <i>Environmental Protection (Peel Inlet-Harvey Estuary) Policy</i> (Government of Western Australia, 1992a);</li> <li>• <i>Environmental Protection (Swan Coastal Plain Lakes) Policy (EPP Lakes)</i> (Government of Western Australia, 1992b).</li> </ul> <p>The Peel-Harvey Catchment was subject to a comprehensive environmental</p>

Legislation	Application and relevance to the Peel-Harvey Catchment
	<p>assessment in the 1980's under the Act. The assessment was carried out by the State Government which resulted in <i>A Management Strategy for the Peel Inlet and Harvey Estuary System</i> (Kinhill Engineers, 1988).</p> <p>The Strategy consisted of five elements:</p> <ul style="list-style-type: none"> <li>• Construction of a new channel to the ocean at Dawesville</li> <li>• Continuation of fertiliser modification practices</li> <li>• Implementation of stricter catchment management measures</li> <li>• Changes in land use, and</li> <li>• Continuation of weed (macroalgal) harvesting.</li> </ul> <p>In January 2003 the EPA completed a review of the effectiveness of management of the Peel-Harvey estuarine system (EPA, 2033, Bulletin 1087). It was concluded that while the predicted beneficial environmental changes from the Dawesville Channel had been shown to be valid, the estuarine system remained in a fragile condition and the development and implementation of a Catchment Management Plan (a ministerial condition set in 1989) remained to be done.</p>
<i>Fish Resources Management Act 1994</i> (FRMA).	<p>This is the primary Act regulating the management of, and utilisation and conservation of fish (which includes all aquatic organisms except reptiles, birds, mammals, amphibians) and their habitat.</p> <p>The objects of this Act are:</p> <ol style="list-style-type: none"> <li>a) to develop and manage fisheries and aquaculture in a sustainable way; and</li> <li>b) to share and conserve the State's fish and other aquatic resources and their habitats for the benefit of present and future generations.</li> </ol>
<i>Land Administration Act 1997</i>	<p>Enables Crown land to be set aside (reserved) for various purposes, and its care, control and management is assigned to an appropriate body, such as a Local Government. National parks, Conservation parks and Nature reserves are created under the LAA.</p>
<i>Native Title Act 1993</i>	<p>The Act enables the recognition and protection of native title, and its co-existence with other forms of land title.</p> <p>Native title is a form of land title that recognises the unique ties some Aboriginal groups have to land. Australian law recognises that native title exists where Aboriginal people have maintained a traditional connection to their land and waters, since sovereignty, and where acts of government have not removed it.</p> <p>Under the Act, the Western Australian Government is seeking to reach an agreement with six of the principle Noongar native title groups with claims across the South West of Western Australia. Gnaala Karla Booja, one of the six groups, has connections to a large area from south of Perth to north of Busselton and Kojonup, including all of the Peel-Harvey Catchment.</p> <p>The agreement includes a number of major commitments by the Western</p>

Legislation	Application and relevance to the Peel-Harvey Catchment
	<p>Australian Government. Those commitments relating to NRM include:</p> <ul style="list-style-type: none"> <li>• Recognition through an act of Parliament - formal recognition of the Noongar people as the Traditional Owners of the South West;</li> <li>• Noongar Regional Corporations - the establishment of six Noongar Regional Corporations and one Central Services Corporation, plus office accommodation with funding support of \$10 million yearly for 12 years;</li> <li>• Noongar Land Estate - the transfer of up to 320,000 hectares of Crown land in multiple tenure parcels into the Noongar Boodja Trust;</li> <li>• Care for the South West Conservation Estate - a partnership between the Department of Parks and Wildlife and the Noongar Regional Corporations for the ongoing care of the South West Conservation Estate;</li> <li>• Noongar Heritage Regime - improved processes for the preservation of heritage and a standard Noongar heritage agreement applying to land development and related activities;</li> <li>• Noongar Economic Participation - improved opportunities for Noongar economic participation in the South West and increased job opportunities; and</li> <li>• Noongar Cultural Centre - support for the establishment of a Cultural Centre for the Noongar people. (Department of Premier and Cabinet, 2013).</li> </ul> <p>A final offer by the Western Australian Government was made on 5<sup>th</sup> July 2013 to the South West Aboriginal land and Sea Council (SWALSC), the body representing the six native title groups, and a final decision is pending.</p> <p>Together with changes to the CALM Act to allow joint management of lands, this agreement will mark a significant opportunity for Aboriginal People to management and care for country.</p>
<p><i>Planning and Development Act 2005</i></p>	<p>This is overarching Act that controls all levels of land use planning and development in Western Australia, from state planning strategies through to local planning schemes and development approvals.</p> <p>Many parts of the land use planning system intersect with NRM and set objectives for natural resource protection and management (WA Planning Commission, 2009).</p> <p>At the highest level, a State Planning Strategy and State Planning Policies (SPP) are created. SPP's with significant relevance to NRM in the Peel-Harvey Catchment are:</p> <ul style="list-style-type: none"> <li>• SPP 2. Environment and Natural Resources Policy</li> <li>• SPP 2.1 Peel-Harvey Coastal Plain Catchment Policy</li> <li>• 2.4 Basic Raw Materials</li> <li>• 2.5 Land Use Planning in Rural Areas</li> <li>• 2.6 State Coastal Planning Policy</li> <li>• 2.7 Public Drinking Water Source Policy</li> <li>• 2.8 Bushland Policy for the Perth Metropolitan Region</li> <li>• 2.9 Water Resources</li> </ul>

Legislation	Application and relevance to the Peel-Harvey Catchment
	<ul style="list-style-type: none"> <li>3.4 Natural Hazards and Disasters</li> </ul> <p>At the regional scale, Sub-Regional Strategies are prepared to guide where development will occur, major transport corridors, and conservation areas. Subregional strategies are currently being prepared for large parts of the Coastal Plain catchment and will be assessed for environmental impact as part of the SAPPR.</p> <p>At the local and district scales under the Act, Local Governments are required to prepare and regularly review local planning strategies (policy) and local planning schemes (statutory). These identify primary land use areas and apply land use controls.</p>
<i>Soil and Land Conservation Act 1945</i>	Regulates drainage and land degradation in rural areas. Empowers a Commissioner of Soil and Land Conservation to issue soil conservation notice where land management, including clearing of any vegetation (not only native vegetation) may lead to land degradation. Land Conservation District Committees, of which there are a number in the Peel-Harvey Catchment, are created under this Act. The clearing of native vegetation
<i>Waterways Conservation Act 1976</i>	The primary act addressing the conservation and management of waters (defined as rivers, inlets and estuaries) in Western Australia. The Act enables a management area to be proclaimed over rivers, inlets and estuaries and land to achieve the control needed for the 'conservation and management of the waters Section 10 (4). The Minister is empowered to take various actions to preserve and enhance the quality of the environment and amenity of the waters in the management area. This Act provides the opportunity to proclaim management areas within the Peel-Harvey Estuary System for the protection of its environmental and amenity values
<i>Western Australian Marine Act 1982</i>	Regulates the boating and marine craft sectors, including the safety and licencing of craft and skippers. Of relevance in the Peel-Harvey Estuary where the Act regulates boat speeds and access to waters for safety reasons and the protection of shorelines.
<i>Wildlife Conservation Act 1950</i>	The primary piece of State legislation directly protecting native flora and fauna in Western Australia. It identifies species under various levels of threat. The tools available under this legislation to conserve biodiversity are generally reactive. Many of the State Government's efforts to conserve biodiversity operate under policy, agency programs and Ministerial direction. Most recent WA Governments have made commitments to reform the legislation to enable it to address contemporary issues and needs.

There are numerous other Acts which have a significant effect on natural resource management in the Catchment, including:

- Mining Act 1978;

There are numerous other Government policies or position papers which have a bearing on natural resource management in the Catchment, including:

- A Plan for a Cleaner Environment (Australian Government, 2013)

- Closing the Gap in Indigenous Disadvantage, a policy of the Council of Australian Governments which sets six targets to close the gap between indigenous and non-indigenous people, including a target to halve the gap in employment outcomes by 2018 (Council of Australian Governments, 2008);
- Agricultural Competitiveness Issues Paper, which seeks to address factors which relate to food security, farm gate returns, agriculture contribution to regional communities, and reducing ineffective regulations (Australian Government, 2014)

### References used in this Appendix

Australian Government (2014) *Agricultural Competitiveness Issues Paper*, Commonwealth of Australia, Canberra.

Australian Government (2013) *A Plan for a Cleaner Environment*; Commonwealth of Australia, Canberra.

Council of Australian Governments (2008) *Closing the Gap in Indigenous Disadvantage*; Canberra.

Department of Environment and Conservation (2013) *Department of Environment and Conservation 2012–13 Annual Report*, Department of Environment and Conservation, Perth.

Department of Environment and Conservation (2012) *Joint management: Questions and Answers*, Department of Environment and Conservation, Perth.

Department of Premier and Cabinet (2013) *Land, Approvals and Native Title Unit: The South West Native Title Settlement*, Government of Western Australia website:  
<http://www.dpc.wa.gov.au/lantu/Claims/Pages/SouthWestSettlement.aspx>, Accessed from www on 8 May 2014.

Environmental Protection Authority (2003) *Peel Inlet and Harvey Estuary System Management Strategy: Progress and Compliance by the proponents with the Environmental Conditions set by the Minister for the Environment in 1989, 1991, and 1993, Advice of the EPA, Bulletin 1087*, Perth.

Government of Western Australia (1992a); *Environmental Protection (Peel Inlet-Harvey Estuary) Policy*, Western Australian Government Gazette, 18 December 1992, pp 5969-75, Perth.

Government of Western Australia (1992b) *Environmental Protection (Swan Coastal Plain Lakes) Policy*, Western Australian Government Gazette, 18 December 1992, pp 100-102, Perth.

Kinhill Engineers (1988) *A Management Strategy for the Peel Inlet and Harvey Estuary System*.

WA Planning Commission (2009) *Directions Paper on the Integration of NRM and Land Use Planning*, Department of Planning and infrastructure, Draft for Public Comment Perth.