



Western Australia

Western Australian Land Authority Act 1992

## **Western Australian Land Authority Regulations 1999**



# Western Australian Land Authority Regulations 1999

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## **Western Australian Land Authority Regulations 1999**

Made by the Governor in Executive Council with the concurrence of the Treasurer.

### **Part 1 — Preliminary**

**1. Citation**

These regulations may be cited as the *Western Australian Land Authority Regulations 1999*.

**2. Interpretation**

In these regulations —

***community service obligation*** has the same meaning as in section 25A(3) of the Act.

## **Part 2 — Strategic development plan**

### **3. Draft strategic development plan**

- (1) The board must in each year prepare and submit to the Minister for the Minister's agreement a draft strategic development plan for the Authority.
- (2) Each draft strategic development plan is to be submitted not later than 3 months before the start of the next financial year.

### **4. Period and content of strategic development plan**

- (1) A strategic development plan is to cover a forecast period of 5 years or a lesser period agreed with the Minister.
- (2) A strategic development plan must set out objectives (including economic and financial objectives) and operational targets and how those objectives and targets will be achieved.
- (3) The matters that are to be considered by the board in the preparation of a strategic development plan include —
  - (a) the market environment within which it operates, product development, pricing, service efficiency and effectiveness, strategies for land asset management, financial requirements, capital expenditure, customer service arrangements, relevant government policy and community service obligations; and
  - (b) any other matters that the Minister and the board agree should be considered.

### **5. Strategic development plan to be agreed if possible**

The board and the Minister must try to reach agreement on a strategic development plan as soon as possible and, in any event not later than one month before the start of the next financial year.

**6. Minister's powers in relation to draft strategic development plan**

- (1) The Minister may return a draft strategic development plan to the board and request it to —
  - (a) consider or further consider any matter and deal with the matter in the draft plan; and
  - (b) revise the draft plan in the light of its consideration or further consideration.
- (2) The board must comply with a request under subregulation (1) as soon as is practicable.
- (3) If the board and the Minister have not reached agreement on a draft strategic development plan by one month before the start of the next financial year, the Minister may, by written notice, direct the board —
  - (a) to take specified steps in relation to the draft plan; or
  - (b) to make specified modifications to the draft plan.
- (4) The board must comply with a direction under subregulation (3) as soon as is practicable.

**7. Strategic development plan pending agreement**

- (1) If the board and the Minister have not reached agreement on a draft strategic development plan before the start of a financial year, the latest draft plan is to be the strategic development plan for the Authority until a draft strategic development plan is agreed to under regulation 8.
- (2) In this regulation —

***latest draft plan*** means the draft strategic development plan submitted, or last submitted, by the board to the Minister before the start of the financial year with any modifications made by the board, whether before or after that time, at the direction of the Minister.

**8. Minister's agreement to draft strategic development plan**

When the board and the Minister reach agreement on a draft strategic development plan, it becomes the strategic development plan for the relevant financial year or the remainder of the year as the case may be.

**9. Modifications of strategic development plan**

- (1) A strategic development plan may be modified by the board with the agreement of the Minister.
- (2) The Minister may, by written notice, direct the board to modify the strategic development plan, and the board must comply with any such direction.
- (3) Before giving a direction to the board under subregulation (2), the Minister must consult with the board and take its views into account.

**10. Concurrence of Treasurer**

The Minister is not to —

- (a) agree to a draft strategic plan under regulation 8; or
- (b) agree to or direct any modification of a strategic development plan under regulation 9,

except with the Treasurer's concurrence.



### **Part 3 — Statement of corporate intent**

#### **11. Draft statement of corporate intent**

- (1) The board must in each year prepare and submit to the Minister for the Minister's agreement a draft statement of corporate intent for the Authority.
- (2) Each draft statement of corporate intent is to be submitted not later than 3 months before the start of the next financial year.

#### **12. Period and content of statement of corporate intent**

- (1) A statement of corporate intent is to cover a financial year.
- (2) A statement of corporate intent must be consistent with the strategic development plan for the Authority.
- (3) A statement of corporate intent must specify —
  - (a) an outline of objectives;
  - (b) an outline of major planned achievements;
  - (c) estimates of operating revenue and expenditure;
  - (d) the dividend policy for the relevant financial year;
  - (e) an outline of capital expenditure and borrowing requirements;
  - (f) proposed pricing arrangements;
  - (g) the performance targets and other measures by which performances may be judged and related to objectives;
  - (h) accounting policies that apply to the preparation of accounts;
  - (i) the type of information to be given to the Minister, including information to be given in annual and half-yearly reports;
  - (j) the nature and extent of community service obligations that are to be performed;

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- (k) the costings of, funding for, or other arrangements to make adjustments relating to, community service obligations;
  - (l) the ways in which, and the extent to which, compensation will be made for performing community service obligations; and
  - (m) such other matters as may be agreed on by the Minister and the board.
- (4) The Minister may exempt the Authority from including any matter, or any aspect of a matter, mentioned in subregulation (3) in the statement of corporate intent.

**13. Statement of corporate intent to be agreed if possible**

The board and the Minister must try to reach agreement on a statement of corporate intent, as soon as possible and, in any event not later than the start of the next financial year.

**14. Minister's powers in relation to draft statement of corporate intent**

- (1) The Minister may return a draft statement of corporate intent to the board and request it to —
- (a) consider or further consider any matter and deal with the matter in the relevant draft statement; and
  - (b) revise the draft statement in the light of its consideration or further consideration.
- (2) The board must comply with a request under subregulation (1) as soon as is practicable.
- (3) If the board and the Minister have not reached agreement on a draft statement of corporate intent by one month before the start of the next financial year, the Minister may, by written notice, direct the board —
- (a) to take specified steps in relation to the draft statement; or

- (b) to make specified modifications to the draft statement.
- (4) The board must comply with a direction under subregulation (3) as soon as is practicable.

**15. Statement of corporate intent pending agreement**

- (1) If the board and the Minister have not reached agreement on a draft statement of corporate intent before the start of a financial year, the latest draft statement is to be the statement of corporate intent for the Authority until a draft statement of corporate intent is agreed to under regulation 16.
- (2) In this regulation —  
*latest draft statement* means the draft statement of corporate intent submitted, or last submitted, by the board to the Minister before the start of the financial year with any modifications made by the board, whether before or after that time, at the direction of the Minister.

**16. Minister's agreement to draft statement of corporate intent**

- (1) When the board and the Minister reach agreement on a draft statement of corporate intent, it becomes the statement of corporate intent for the relevant financial year or the remainder of the year as the case may be.
- (2) The Minister must within 14 days after agreeing to a draft statement of corporate intent under subregulation (1) cause a copy of it to be laid before each House of Parliament or dealt with in accordance with section 45A of the Act.
- (3) The board may request the Minister to delete from the copy of a statement of corporate intent that is to be laid before Parliament a matter that is of a commercially sensitive nature, and the Minister may, despite subregulation (2), comply with the request.

**17. Modification of statement of corporate intent**

- (1) A statement of corporate intent may be modified by the board with the agreement of the Minister.
- (2) The Minister may, by written notice, direct the board to modify the statement of corporate intent, and the board must comply with any such direction.
- (3) Before giving a direction to the board under subregulation (2), the Minister must consult with the board and take its views into account.

**18. Concurrence of Treasurer**

The Minister is not to —

- (a) agree to a draft statement of corporate intent under regulation 16;
- (b) agree to or direct any modification of a statement of corporate intent under regulation 17,

except with the Treasurer's concurrence.

### **Part 3A — Half-yearly reports**

*[Heading inserted: Gazette 9 November 1999 p.5689.]*

**18A. Contents of half-yearly report**

A half-yearly report under section 25B of the Act is to include the information specified in the Authority's statement of corporate intent as information to be given in a half-yearly report.

*[Regulation 18A inserted: Gazette 9 November 1999 p.5689.]*

**18B. Prescribed period under section 25B(2)(b)**

The prescribed period for the purposes of section 25B(2)(b) of the Act is 2 months after 30 December in each year.

*[Regulation 18B inserted: Gazette 9 November 1999 p.5689.]*

## **Part 4 — Miscellaneous**

### **19. Notice of financial difficulty**

A notice under section 24C(1) of the Act must —

- (a) be in writing;
- (b) provide the reasons for the board's opinion; and
- (c) provide such other information as the board considers relevant.

**Notes**

- <sup>1.</sup> This is a compilation of *Western Australian Land Authority Regulations 1999* and includes the amendments referred to in the following Table.

**Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Western Australian Land Authority Regulations 1999</i>	27 May 1999 pp.2137-44	27 May 1999
<i>Western Australian Land Authority Amendment Regulations 1999</i>	9 Nov 1999 p.5689	9 Nov 1999

Defined terms

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**Defined terms**

*[This is a list of terms defined and the provisions where they are defined.  
The list is not part of the law.]*

<b>Defined term</b>	<b>Provision(s)</b>
community service obligation.....	2
latest draft plan.....	7(2)
latest draft statement .....	15(2)