

Western Australia

## **Land Administration Amendment Act 2009**

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As at 26 Nov 2009

No. 32 of 2009

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Western Australia

## **Land Administration Amendment Act 2009**

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**No. 32 of 2009**

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**An Act to amend the *Land Administration Act 1997* and, in consequence, the *Valuation of Land Act 1978*.**

*[Assented to 26 November 2009]*

The Parliament of Western Australia enacts as follows:

**s. 1**

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**1. Short title**

This is the *Land Administration Amendment Act 2009*.

**2. Commencement**

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on the day after that day.

**3. Act amended**

Except as stated in section 7, this Act amends the *Land Administration Act 1997*.

**4. Section 123 amended**

In section 123(1) delete “section” and insert:

sections 124A and

**5. Section 124A inserted**

After section 123 insert:

**124A. Phasing in of increased rents after determination by Valuer-General**

- (1) In this section —  
*annual rent*, for a pastoral lease, includes the rent determined under section 123 for the purposes of section 124(1)(a);  
*determination* means a determination by the Valuer-General under section 123;

*determined annual rent* means the annual rent for a pastoral lease that may be phased in by regulations made for the purposes of subsection (2).

- (2) The regulations may provide for the phasing in of the annual rent for a pastoral lease that, as the result of a determination, is greater than the annual rent for the lease that applied immediately before the determination.
- (3) Regulations made for the purposes of subsection (2) may provide that the annual rent payable for the pastoral lease is, instead of the determined annual rent, an amount —
  - (a) that is less than the determined annual rent; and
  - (b) that is calculated as set out in the regulations.
- (4) Regulations made for the purposes of subsection (2) must have the effect that, within a period not greater than 3 years after the determination, the annual rent payable for the pastoral lease is an amount equal to the determined annual rent.
- (5) Regulations made for the purposes of subsection (2) in relation to a determination as at 1 July 2009 may be expressed to have effect from that day despite that day being earlier than —
  - (a) the day on which the regulations are published in the *Gazette*; or
  - (b) the day on which the *Land Administration Amendment Act 2009* section 5 comes into operation.

**6. Section 143 amended**

Delete section 143(2), (3) and (4).

**7. Valuation of Land Act 1978 amended**

- (1) This section amends the *Valuation of Land Act 1978*.
- (2) After section 4 insert:

**5A. Unimproved value: pastoral leases**

- (1) In this section —  
*pastoral lease* has the meaning given in the *Land Administration Act 1997* section 3(1).
- (2) For the purposes of determining, for paragraph (b)(i) of the definition of *unimproved value* in section 4(1), the amount of the annual rental reserved by a pastoral lease, any effect on that amount that would result from regulations made for the purposes of the *Land Administration Act 1997* section 124A(2) is to be disregarded.

