



Western Australia

# **Real Property (Foreign Governments) Act 1951**

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# Real Property (Foreign Governments) Act 1951

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## Defined terms



## **Real Property (Foreign Governments) Act 1951**

**An Act to enable the Governments of foreign States to own and dispose of land in Western Australia, and for purposes incidental thereto.**

### **1. Short title**

This Act may be cited as the *Real Property (Foreign Governments) Act 1951*<sup>1</sup>.

### **2. Interpretation**

In this Act, unless the context otherwise requires —

*foreign State* means any State other than Western Australia, including any sovereign State, any State of the Commonwealth, any State forming part of any other federal State, and any State under the dominion or protection of His Majesty, or of any other State;

*land* means any estate or interest in land;

*representative* means diplomatic representative, consul, or consular officer.

### **3. Power of foreign Governments to hold land**

- (1) Subject to the provisions of this Act, the Government of a foreign State or a minister or member of any such Government shall be capable of owning and being registered as the owner of land in Western Australia, such land not to exceed an area of 2 hectares in the aggregate, without the approval of Parliament, and of conveying, transferring, mortgaging, demising, and being a party to any other disposition of such land.

**s. 4**

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- (2) In any instrument which relates to land in Western Australia —
- (a) the Government of a foreign State shall be described by the words “The Government of \_\_\_\_\_”, the blank space being filled by the name of that State;
  - (b) a minister or member of the Government of a foreign State shall be described by his official title, including or followed by the name of that State.
- (3) Notwithstanding the provisions of subsection (1), the Government of the United States of America or a minister or member of that Government shall be capable of owning and being registered as the owner of an estate of leasehold in land in Western Australia being portion of the land that is constituted the townsite of Exmouth under the provisions of the *Land Administration Act 1997*, such portion of the land not to exceed an area of 40.5 hectares in the aggregate.

*[Section 3 amended: No. 55 of 1964 s. 2; No. 73 of 1994 s. 4; No. 31 of 1997 s. 141; No. 8 of 2009 s. 108.]*

**4. Consent to conveyance of lands to foreign Governments**

An instrument granting, conveying, transferring or demising land to the Government of a foreign State or to a minister or member of the Government of a foreign State shall not have any effect, or be registered, deposited, or enrolled pursuant to any Act, unless it contains or has endorsed thereon a statement by the appropriate Minister of the Crown for the State of Western Australia that he consents to the transaction evidenced or effected by that instrument.

**5. Execution of instruments**

- (1) An instrument granting, conveying, transferring, demising, mortgaging, or otherwise dealing with land, or an acceptance of a transfer of land, may be executed on behalf of the Government of a foreign State, or on behalf of a minister or member of the Government of a foreign State, by a representative of that Government resident within the Commonwealth.

- (2) A certificate, signed by the appropriate Minister of the Crown for the State of Western Australia and certifying that a person named therein is a representative of the Government of a foreign State and is resident in the Commonwealth, shall, if contained in or endorsed on any instrument relating to land, be accepted by the Registrar of Titles or Registrar of Deeds and Transfers as conclusive evidence of the fact so certified.
- (3) The appropriate Minister of the Crown for the State of Western Australia, on request made to him by or on behalf of a foreign State, and if satisfied as to the facts to be certified, shall give a certificate such as is mentioned in the last preceding subsection.

*[Section 5 amended: No. 47 of 2011 s. 16.]*

**6. Foreign States deemed to be bodies corporate**

- (1) For purposes of owning and dealing with land pursuant to this Act, the Government of a foreign State or a minister or member of the Government of a foreign State shall be deemed to be a body corporate.
- (2) Where any instrument relating to land in Western Australia contains a reference to any such Government, minister or member, that reference shall be deemed to be a reference to the persons for the time being constituting that Government, or, as the case may be, to the person for the time being holding or acting in the office of that minister or member.

### Notes

- <sup>1</sup> This is a compilation of the *Real Property (Foreign Governments) Act 1951* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint<sup>2</sup>.

#### Compilation table

Short title	Number and year	Assent	Commencement
<i>Real Property (Foreign Governments) Act 1951</i>	3 of 1951	13 Nov 1951	13 Nov 1951
<i>Real Property (Foreign Governments) Act Amendment Act 1964</i>	55 of 1964	30 Nov 1964	30 Nov 1964
<i>Statutes (Repeals and Minor Amendments) Act 1994 s. 4</i>	73 of 1994	9 Dec 1994	9 Dec 1994 (see s. 2)
<i>Acts Amendment (Land Administration) Act 1997 s. 141</i>	31 of 1997	3 Oct 1997	30 Mar 1998 (see s. 2 and <i>Gazette</i> 27 Mar 1998 p. 1765)
<b>Reprint 1: The <i>Real Property (Foreign Governments) Act 1951</i> as at 16 May 2003</b> (includes amendments listed above)			
<i>Statutes (Repeals and Miscellaneous Amendments) Act 2009 s. 108</i>	8 of 2009	21 May 2009	22 May 2009 (see s. 2(b))
<i>Statutes (Repeals and Minor Amendments) Act 2011 s. 16</i>	47 of 2011	25 Oct 2011	26 Oct 2011 (see s. 2(b))

- <sup>2</sup> Marginal notes in the *Real Property (Foreign Governments) Act 1951* referring to legislation of other jurisdictions have been omitted from this reprint.



## 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>
foreign State .....	2
land .....	2
representative .....	2