LAND ADMINISTRATION

LA301*

Land Administration Act 1997

Land Administration Amendment Regulations 2000

Made by the Administrator in Executive Council.

1. Citation

These regulations may be cited as the Land Administration Amendment Regulations 2000.

2. The regulations amended

The amendments in these regulations are to the Land Administration Regulations 1998*.

[* Published in Gazette 27 March 1998, pp. 1741-61. For amendments to 17 May 2000 see 1999 Index to Legislation of Western Australia, Table 4, p. 155.]

3. Regulation 3B inserted

After regulation 3A the following regulation is inserted —

3B. Prescribed person for the purposes of section 9(1)(c) of the Act

For the purposes of section 9(1)(c) of the Act, the Commissioner within the meaning of section 6 of the Main Roads Act 1930 and officers of the Commissioner appointed under section 10(1) of that Act are a prescribed person.

4. Regulation 6 amended

(1) Regulation 6(1)(d) is amended by deleting “evidence that satisfies the Minister” and inserting instead —

“ written advice ”.

(2) Regulation 6(2) is repealed.

5. Regulation 12 amended

(1) Regulation 12 is amended by inserting before “For” the subregulation designation (1).
(2) At the end of regulation 12 the following subregulations are inserted —

"(2) Subregulation (1) does not apply to Crown land that was a private road that became Crown land under section 52 of the Act if —

(a) the land is being sold at the request of the local government within whose district the land is situated;

(b) the purpose of the sale is to allow the land to be amalgamated with adjoining land held in fee simple for the purpose of reducing crime or anti-social behaviour;

(c) an adjoining land owner did not request the acquisition of the private road under section 52 of the Act for a purpose other than a purpose referred to in paragraph (b); and

(d) the land is being sold to an adjoining land owner.

(3) Subregulation (1) does not apply to —

(a) Crown land that was vested in the Crown under section 20A of the Town Planning and Development Act 1928 as a right of way or pedestrian access way;

(b) land referred to in section 167A(2)(b) of the Transfer of Land Act 1893; or

(c) land shown and marked on a plan of subdivision of Crown land as a pedestrian accessway, right of way, or other similar use, if —

(d) the land is being sold at the request of the local government within whose district the land is situated;

(e) the purpose of the sale is to allow the land to be amalgamated with adjoining land held in fee simple for the purpose of reducing crime or antisocial behaviour;

(f) an adjoining land owner did not request the sale of the land for a purpose other than a purpose referred to in paragraph (b); and

(g) the land is being sold to an adjoining land owner.

(4) Subregulation (1) does not apply if, after having regard to —

(a) the location of the relevant Crown land;

(b) the area of the relevant Crown land;

(c) the value of land adjoining or in the neighbourhood of the relevant Crown land; and
(d) other factors that might affect the value of the relevant Crown land,

the Minister is of the opinion that the market value of the relevant Crown land is less than $1 000.

6. Regulation 15 amended

(1) Regulation 15(1) is repealed and the following subregulation is inserted instead —

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(1) If, as a result of being determined as at 1 July 1999 under section 123(4) of the Act, the annual rent for an existing pastoral lease payable in respect of the lease that applied immediately before the appointed day would —

(a) be increased ("the increased amount of rent"); or

(b) be decreased ("the decreased amount of rent"),

the increased amount of rent or the decreased amount of rent, as the case may be, must be phased in by means of 2 equal annual increases or decreases in rent, as the case may be, on 1 July 2000 and 1 July 2001, so that the full annual rent as determined under section 123(4) of the Act is payable as at 1 July 2001.
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(2) Regulation 15(2) is amended as follows:

(a) after the definition of "existing pastoral lease" by deleting the semicolon and inserting a full stop;

(b) by deleting the definition of "the fixed percentage".

By Command of the Administrator,

M. C. WAUCHOPE, Clerk of the Executive Council.