

LAND ADMINISTRATION

LA301

LAND ACT 1933

LAND AMENDMENT REGULATIONS 1991

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Land Amendment Regulations 1991*.

Principal regulations

2. In these regulations the *Land Regulations 1968** are referred to as the principal regulations.

[*Reprinted as at 6 January 1987. For amendments to 18 April 1991 see page 283 of 1989 Index to Legislation of Western Australia and the Gazette of 3 August 1990.]

Regulation 4 amended

3. Regulation 4 of the principal regulations is amended by repealing subregulation (1) and substituting the following subregulation—

“ (1) All applications for land within the State made under the provisions of the Act shall be lodged, with prescribed deposits, at the Department of Land Administration, Perth. ”.

Regulation 12 amended

4. Regulation 12 of the principal regulations is amended in subregulation (12) by deleting “Twenty Dollars (\$20.00).” and substituting the following—

“ \$200.00. ”.

Regulation 13 repealed and a regulation substituted

5. Regulation 13 of the principal regulations is repealed and the following regulation is substituted—

Sale and leasing of town and suburban lands (Part IV)

- “ 13. Town and suburban lands shall be sold and leased subject to such of the conditions set out in Part A and Part C of the Schedule to this regulation, as are applicable, and the purchase money together with interest (if any) on that money, or the premium, shall be payable in the instalments set out in the Schedule to this regulation.

Schedule

Part A (sales in fee simple)

Conditions of sale of town and suburban lands advertised to be sold by auction at on the day of 19....., at

(1) The land offered for sale was advertised in the newspaper on and is particularized in the Schedule as appended hereto, and will be sold subject to the terms and conditions of the *Land Act 1933* and the regulations thereunder and to a depth of 12.19 metres below the natural surface.

(2) The lots will be offered separately and in such order as the auctioneer shall at the time determine.

(3) The highest bidder shall be the purchaser and, if any dispute arises, the lot in dispute shall be again put up and offered for sale.

(4) Each lot shall be offered at the upset price, and if no advance be made the applicant for the same shall be declared the purchaser at the price: but, if any advance be made, the highest bidder shall be the purchaser as aforesaid. Should the applicant not be the purchaser, his deposit will be refunded in due course.

(5) The purchaser shall, immediately upon the fall of the hammer, pay to the Minister or his agent, a first instalment equal to 10% of the total amount of the purchase money. Should the purchaser fail to pay the instalment as required, the purchase shall be void and the lot shall be offered again immediately for sale.

(6)(a) The balance of the purchase money shall be paid to the Minister or his agent within 30 days or such other period, not exceeding 2 years, as is determined by the Minister and the rate of interest payable in respect of the balance of the purchase money shall be determined by the Minister.

(b) Nothing in paragraph (a) prevents the balance of purchase money and fees being paid on an earlier date should the purchaser so desire, but a Crown grant shall not issue until the conditions under which the lots were made available for sale have been fulfilled.

(7) The Minister may approve or reject any fencing required by a prescribed condition, or may dispense with any requirement for fencing.

(8) In default of payment of any one of the several instalments of purchase money and interest as applicable within 30 days, or, if the prescribed conditions as to improvements, or any other conditions, have not been complied with within the times prescribed, the land shall be absolutely forfeited, together with all purchase money and fees that may have been paid.

(9) On payment of the final instalment of the purchase money and interest as applicable, provided the prescribed conditions as to improvements and any other conditions have been complied with and maintained, a Crown grant shall be issued on payment of the fee prescribed by regulation 5.

(10) Immediately after the sale, the purchaser shall declare to whom or in whose name he requires the Crown grant to issue, and the name, address and occupation of such person shall thereupon be inserted in the form of application to purchase.

(11) If any lot is improved, the value of the improvements (unless the purchaser is the owner of the improvements) will be payable by the purchaser to the Minister for Lands or his agent, in addition to the purchase money forthwith after the sale, or at such time and by such instalments (if any) as the Minister may determine, and the Minister's valuation of the improvements shall be final and binding on the purchaser.

Part C (sales under section 45A)

Conditions of sale of town and suburban lands that the Governor has approved of being offered for sale in fee simple pursuant to the provisions of section 45A of the *Land Act 1933*.

(1) At the time of making application to purchase any lot referred to in this Part, the purchaser shall pay to the Minister for Lands the deposit required by the Minister, which deposit shall not exceed the rate of 10% of the total amount of the purchase money, and such deposit shall be considered as payment of the purchase money so far as the same will extend and shall for the purposes of the *Land Act 1933* be and be deemed to be the first prescribed instalment of the purchase money.

(2) The balance of the purchase money shall be paid to the Minister or his agent within 30 days or such other period, not exceeding 2 years, as is determined by the Minister and the rate of interest payable in respect of the balance of the purchase money shall be determined by the Minister.

(3) Nothing shall prevent the balance of purchase money and fees being paid at an earlier date should the purchaser so desire but a Crown grant shall not issue until the conditions under which the lots were made available for sale have been fulfilled.

(4) In default of payment of any one of the several instalments of purchase money and interest as applicable within 30 days after becoming due and payable, or if the conditions upon and subject to which the lot was sold are not complied with within the time specified for the performance thereof, the lot shall be absolutely forfeited, together with all purchase money and fees that have been paid.

(5) On payment of the final instalment of the purchase money and interest as applicable, provided that all conditions upon and subject to which the lot was sold have been complied with, a Crown grant shall be issued on payment of the fee prescribed by regulation 5. "

Regulation 14 repealed

6. Regulation 14 of the principal regulations is repealed.

Regulation 15 repealed and a regulation substituted

7. Regulation 15 of the principal regulations is repealed and the following regulation is substituted—

Depth of Crown grants, conditional purchase leases, etc. (section 15 (2))

- " 15. A Crown grant, conditional purchase lease, or licence, issued under the Act shall be issued for an estate in land to a limited depth of 12.19 metres, or such other limited depth, in special cases, as the Minister may direct. "

Regulation 16 repealed

8. Regulation 16 of the principal regulations is repealed.

Regulations 20 and 21 repealed

9. Regulations 20 and 21 of the principal regulations are repealed.

Regulation 22 amended

10. Regulation 22 of the principal regulations is amended—

- (a) by inserting after the regulation designation "22." the subregulation designation "(1)";
- (b) by deleting "Mortgages" and substituting the following—
" Subject to subregulation (2), mortgages ";
- (c) by deleting "the respective forms in the Schedule to this regulation, or by forms as near thereto as circumstances will allow." and substituting the following—
" form 29, 30 or 31, respectively, in the Schedule. ";
- (d) by inserting after subregulation (1) the following subregulation—
" (2) Where necessary or convenient to do so, an appropriate form set out in the Schedules to the *Transfer of Land Act 1893* may be used in the place of form 29, 30 or 31 in the Schedule to these regulations. "; and
- (e) by deleting the Schedule to that regulation.

Regulation 24 amended

11. Regulation 24 of the principal regulations is amended—

- (a) by deleting "The forms in the Schedule" and substituting the following—
" (1) Subject to subregulation (2), the forms in the Schedule "; and
- (b) by inserting the following subregulation—
" (2) Where necessary or convenient to do so the forms set out in the Seventh Schedule, the Fourteenth Schedule or the Eighteenth Schedule to the *Transfer of Land Act 1893* may be used in the place of forms 26, 27 or 28 respectively. "

Schedule amended

12. The Schedule to the principal regulations is amended—

- (a) by deleting the index headed "Forms" and substituting the following index—

| “ | | Index | |
|----------|--|---------------------|--|
| Form No. | Title of form | Section No. | |
| 1. | Crown grant of town or suburban land | 15 | |
| 2. | Crown grant of rural land | 15 | |
| 3. | Application for a lease | 32, 33, 116 and 117 | |
| 4. | Lease | 32, 33 (3) | |
| 5. | Form of lease for Commonwealth Rifle Range | 33 | |
| 6. | Application for a town or suburban lot to be submitted to auction | 38 | |
| 7. | Application to purchase a town or suburban lot | 41A, 45A and 45B | |
| 8. | Licence to occupy town or suburban lands | 43 | |
| 9. | Application for a conditional purchase . | 47, 49 and 53 | |
| 10. | Conditional purchase lease | 47 and 49 | |
| 11. | Conditional purchase licence | 53 | |
| 12. | Application for a conditional purchase (vineyards, orchards and gardens) | 54 | |
| 13. | Conditional purchase licence (vineyards, orchards and gardens) | 54 | |
| 14. | Application for a homestead farm | 66 | |
| 15. | Occupation certificate for homestead farm | 66 | |
| 16. | Application for a working man's block . | 81 | |
| 17. | Lease of working man's block | 81 | |
| 18. | Application for Crown grant of a working man's block | 81 | |
| 19. | Application for a pastoral lease | 91 (1) | |
| 20. | Pastoral lease | 91 (2) | |
| 21. | Return of stocks and improvements | 102 and 103 | |
| 22. | Special lease | 116 or 117 | |
| 23. | Permit to occupy town or suburban land | 142 (2) | |
| 24. | Permit to occupy rural land | 142 (2) | |
| 25. | Certificate of transfer of a lease or licence of Crown land | 144 (2) | |
| 26. | Transfer of a lease or licence of Crown land | 144 (3) | |
| 27. | Memorandum of mortgage | 145 (2) | |
| 28. | Caveat | 152 (1) | |
| 29. | Transfer of mortgage | 145 | |
| 30. | Discharge of mortgage | 145 | |
| 31. | Partial discharge of mortgage | 145 ”; | |

- (b) by deleting Form 3 and substituting the following form

“

LAND ACT 1933

Form 3

Sections 32, 33, 116 and 117

File No.....

No.

APPLICATION FOR LEASE UNDER SECTION (.....)OFFICE USE
ONLY

| | |
|--------------------------------|-------------------------------|
| Application No:/..... | CL No: CLR No: |
|--------------------------------|-------------------------------|

DESCRIPTION
OF
LAND

| | | |
|----------------------|------------------------|--------------------------|
| District / Townsite: | Loc / Lot No: | Area: |
| Public Plan: | Diagram: | Reserve No. |
| Purpose: | Term of lease: | Rent, Fees, Etc. |
| Re-appraisalment: | from/...../..... | Annual Rent \$..... |
| | to/...../..... | Service Premium \$..... |
| | | Survey Fee \$..... |
| | | Lease Fee \$..... |
| | | Registration Fee \$..... |

APPLICANT

Full Name and address. If a minor state date of birth. If two or more state whether as Joint Tenants or Tenants in Common. If Tenants in Common specify shares.

| |
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| |

THE APPLICANT HEREBY APPLIES FOR A LEASE OF THE ABOVEMENTIONED LAND. IT IS UNDERSTOOD THAT ALL IMPROVEMENTS ARE THE PROPERTY OF THE CROWN AND SHALL BE PAID FOR AS THE MINISTER DIRECTS.

Dated this day of 19.....

SIGNED BY
(OR ON
BEHALF OF)
APPLICANT

SIGNED SIGNED
SIGNED SIGNED

OFFICE USE
ONLY

| | | |
|---|---|--|
| <input type="checkbox"/> Applications invited File No | <input type="checkbox"/> Only Application | <input type="checkbox"/> Deposit etc. paid \$ |
| <input type="checkbox"/> Lease offered | <input type="checkbox"/> Granted by Land Board | <input type="checkbox"/> Application checked |
| <p>Approved by Order of the Minister for Lands to a depth of metres below the natural surface subject to the schedule of conditions attached hereto</p> <p>...../...../..... Date</p> <p>..... An officer Authorised by Order of the Minister for Lands</p> | | |

(c) in Form 4—

(i) by inserting after "conditions herein" the following—

" , and in the Schedule below, ";

(ii) by inserting after "enjoy the said land for the purpose for which this lease is granted," the following—

" or shall fail or neglect to comply with, perform or fulfil all or any of the conditions scheduled below, ";

and

(iii) by inserting before the heading "PLAN HEREIN REFERRED TO" the following heading—

" SCHEDULE OF CONDITIONS ";

(d) by deleting Forms 6 and 7 and substituting the following forms—

FORM 6

(section 38)

File No.....

No.

LAND ACT 1933

TOWN OR SUBURBAN LOT TO BE SUBMITTED TO AUCTION

OFFICE USE
ONLY

| | |
|------------------------------|-------------------------------|
| Application No: 338/..... | CL No: CLR No: |
|------------------------------|-------------------------------|

DESCRIPTION
OF
LANDOFFICE USE
ONLY

| | | | |
|--|-------|----------------------------------|---------|
| District / Townsite: | | Loc / Lot No: | Area: |
| Public Plan: | | Street: | Survey: |
| Date of Auction | Time: | Venue: | |
| Conditions: | | Service Premium Repayable to: | |
| The sale of the above loc/lot is approved by Order of the Minister for Lands to a depth of metres below the natural surface. <div style="display: flex; justify-content: space-between;">/...../..... Date An officer authorised by Order of the Minister for Lands </div> | | | |

APPLICANT

Full Name and address. If a minor state date of birth. If two or more state whether as Joint Tenants or Tenants in Common. If Tenants in Common specify shares.

| | |
|--------------------------|-----------------------------|
| | |
| | |
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| | |
| | |
| | |
| | |
| | |
| Upset Price: \$ | Price Realised: \$ |

THE APPLICANT HEREBY APPLIES FOR THE CROWN LAND AS DESCRIBED
 ABOVE TO BE SOLD BY PUBLIC AUCTION AT THE UPSET PRICE OF
 \$.....

Dated this day of 19.....

SIGNED BY
(OR ON
BEHALF OF)
APPLICANT

SIGNED SIGNED
 SIGNED SIGNED

OFFICE USE
ONLY

| | | | |
|----------------|---|-------------------|-----------|
| Sale confirmed | Deposit Paid \$ Receipt No. | Appln. checked | Signature |
|----------------|---|-------------------|-----------|

FORM 7

(Sections 41A, 45A, 45B)

File No.....

No.

LAND ACT 1933

APPLICATION TO PURCHASE A TOWN OR SUBURBAN LOT UNDER
SECTION 41A, 45A, 45BOFFICE USE
ONLY

| | |
|--------------------------------------|-------------------------------|
| Application No:/...../..... | CL No: CLR No: |
|--------------------------------------|-------------------------------|

DESCRIPTION
OF
LAND

| | | |
|----------------------|---------------|-------|
| District / Townsite: | Loc / Lot No: | Area: |
| Public Plan: | Survey: | |

APPLICANT

Full Name and
address. If a
minor state date
of birth. If two or
more state
whether as Joint
Tenants or
Tenants in
Common. If
Tenants in
Common specify
shares.

| |
|-------|
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| |

THE APPLICANT HEREBY APPLIES TO PURCHASE THE CROWN LAND UNDER THE PROVISIONS OF SECTION HEREIN FOR THE PRICE OF \$ SUBJECT TO THE CONDITIONS ATTACHED HERETO. IT IS UNDERSTOOD THAT ALL IMPROVEMENTS ARE THE PROPERTY OF THE CROWN AND SHALL BE PAID FOR AS THE MINISTER DIRECTS.

SIGNED BY
(OR ON
BEHALF OF)
APPLICANT

Dated this day of 19.....

SIGNED SIGNED

SIGNED SIGNED

OFFICE USE
ONLY

| | | | |
|--|--------------------------------|--|---------------|
| Only Applicant Granted by Land Board | Deposit & Fees Paid \$..... | Application checked | Exco Approval |
| The sale of the above loc/lot is approved by Order of the Minister for Lands to a depth of metres below the natural surface. | | | |
|/...../..... Date | | An officer Authorised by Order of the Minister for Lands | |

(e) in Form 22—

- (i) by deleting the subheading "Section 116" and substituting the following subheading—
"Section 116 or 117";
- (ii) by deleting "section 116 of the *Land Act 1933*," and substituting the following—
"section of the *Land Act 1933*,";
- (iii) by inserting after "conditions herein" the following—
", and in the Schedule below,";
- (iv) by inserting after "enjoy the said land for the said purpose," the following—
"or shall fail or neglect to comply with, perform or fulfill all or any of the conditions scheduled below, or the conditions or provisions of the Act,"; and

- (v) by inserting before the heading "PLAN HEREIN REFERRED TO" the following heading—
" SCHEDULE OF CONDITIONS ";
- (f) in Form 26 by inserting at the foot of the first page the following—
" Note: Form as prescribed under the *Transfer of Land Act 1893* may be used. ";
- (g) in Form 27 by inserting at the foot of the first page the following—
" Note: Form as prescribed under the *Transfer of Land Act 1893* may be used. ";
- (h) in Form 28 by inserting at the end of the form the following—
" Note: Form as prescribed under the *Transfer of Land Act 1893* may be used. "; and
- (i) by inserting after Form 28 the following forms—

" FORM 29
Land Act 1933
(Section 145)

TRANSFER OF MORTGAGE

I, _____ of _____
being registered as the proprietor of a mortgage numbered _____,
granted to me by _____ upon the land hereinafter described,
in consideration of the sum of _____ paid to me by _____ of _____
, do hereby transfer to the said _____ the principal sum
of _____ and all interest secured by the said mortgage, all my estate
and interest as such mortgagee in All

Signed, sealed, and delivered by the Said _____ }
..... } [L.S.]
in the presence of _____ }
..... }

Received this Transfer of Mortgage at _____ on the _____ day
of _____, 19____, with the fee prescribed by regulation 5.

Accountant.
Registered No..... Chief Executive Officer of the Department.
Date

Note: Form as prescribed under the *Transfer of Land Act 1893* may be used.

FORM 30
LAND ACT 1933
(Section 145)

DISCHARGE OF MORTGAGE

Discharge)
No. _____)

I, _____ do hereby discharge the
following lands _____
from the whole of the moneys secured to me by Instrument of Mortgage
registered the _____ day of _____, 19____, to secure \$ _____
Signature _____
Signed by the abovenamed Mortgagee this _____ day of _____, 19____
, in my presence. Received this discharge at _____ at _____
day of _____, 19____, with the fee prescribed by regulation 5.

Discharge No. _____ registered.

Accountant, Chief Executive Officer of the Department.
Date

Note: Form as prescribed under the *Transfer of Land Act 1893* may be used.

FORM 31
LAND ACT 1933

(Section 145)

PARTIAL DISCHARGE OF MORTGAGE

Discharge)
No.)

Whereas under instrument of mortgage, registered the day of
, 19 , the lands herein mentioned were mortgaged to me,
the undersigned, to secure \$ principal and \$ per cent per
annum interest thereon, viz:—*

And whereas on this day of , 19 , there is due
to me under the said mortgage \$ principal and \$ of
interest: I hereby discharge the said lands from the whole of the said
interest and from \$, part of the said principal.

Dated this day of , 19 .

Signature

Signed by the said Mortgagee in the presence of me.

Received this partial discharge this day , of
, 19 , with the fee prescribed by regulation 5.

Accountant.

Partial Discharge No. registered.

Chief Executive Officer of the Department.

Date

*Here describe lands.

Note: Form as prescribed under the *Transfer of Land Act 1893* may be
used. ”.

By His Excellency's Command,

L. M. AULD, Clerk of the Council.

LA401

CORRIGENDUM

31st May 1991.

Dola File: 12911/905.

In the notice at page 1143 of the *Government Gazette* dated 15 March 1991 in respect to the
amendment of Reserve No. 22610 the reference to “252.4005 hectares” is amended to read “252.4467
hectares”.

A. A. SKINNER, Executive Director.

LA402

LOCAL GOVERNMENT ACT 1960
DECLARATION OF CLOSURE OF STREETS

Made by the Minister for Lands under Section 288A.

At the request of the local government nominated, the streets described in the Schedule are now
declared to be closed.

Schedule

City of Armadale

DOLA File 2549/988.

Closure No. A483. All that portion of Murray Road (Road No. 3849) plus widenings, now comprising
Armadale Lot 15 shown bordered pink on DOLA Survey Diagram 89950.

(Public Plan: Perth 1:2 000 22.04).

City of Stirling

DOLA File 2643/987.

Closure No. S424. All that portion of Delawney Street (Road No. 5904) now comprised in Hamersley
Lot 26 as shown bordered pink on DOLA Survey Diagram 89959.

(Public Plan: Perth 1:2 000 11.34).