



Western Australia

Titles (Validation) and Native Title (Effect of Past Acts) Amendment Act 1999

No. 55 of 1999

An Act to amend the Titles (Validation) and Native Title (Effect of Past Acts) Act 1995.

[Assented to 13 December 1999]

The Parliament of Western Australia enacts as follows:

1. Short title

This Act may be cited as the *Titles (Validation) and Native Title (Effect of Past Acts) Amendment Act 1999*.

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2. Commencement

This Act comes into operation on the day on which it receives the Royal Assent.

3. The Act amended

The amendments in this Act are to the *Titles (Validation) and Native Title (Effect of Past Acts) Act 1995**.

[* *Act No. 16 of 1995.*

For subsequent amendments see Act No. 9 of 1999.]

4. Section 12I amended

Section 12I(1) is repealed and the following subsections are inserted instead —

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(1) In this section —

“**relevant act**” means a previous exclusive possession act —

- (a) under section 23B(2)(a), (b) and (c)(ii) of the NTA (including because of section 23B(3));
or
- (b) under section 23B(2)(a), (b) and (c)(i), (iii), (iv), (v), (vi), (vii) or (viii) of the NTA if the Scheduled interest or lease concerned was still in force on 23 December 1996.

(1a) If a relevant act is attributable to the State —

- (a) the act extinguishes any native title in relation to the land or waters covered by the freehold estate, Scheduled interest or lease concerned;
and

- (b) the extinguishment is taken to have happened when the act was done.

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5. Section 12J amended

Section 12J(1) is amended as follows:

- (a) by deleting “attributable to the State and the public work to which the act relates still existed on 23 December 1996” and inserting instead —
“ and is attributable to the State ”;
- (b) in paragraph (a) by deleting “only”;
- (c) in paragraph (a) by inserting after “establishment)” —
“ was or ”.

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