

WESTERN AUSTRALIA

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**ACTS AMENDMENT  
(LAND ADMINISTRATION)  
ACT 1997**

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**No. 31 of 1997**

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**AN ACT to amend the *Land Acquisition and Public Works Act 1902*, the *Local Government (Miscellaneous Provisions) Act 1960*, the *Transfer of Land Act 1893* and various other Acts in consequence of the repeal of the *Land Act 1933* and the enactment of the *Land Administration Act 1997*, and for related matters.**

[Assented to 3 October 1997.]

The Parliament of Western Australia enacts as follows:



**PART 2 — ABORIGINAL AFFAIRS PLANNING  
AUTHORITY ACT 1972**

***Aboriginal Affairs Planning Authority Act 1972 amended***

4. Section 26 (b) of the *Aboriginal Affairs Planning Authority Act 1972*\* is amended by deleting “section 29 of the *Land Act 1933*” and substituting the following —

“ Part 4 of the *Land Administration Act 1997* ”.

[\* Reprinted as at 30 July 1986.

*For subsequent amendments see 1995 Index to  
Legislation of Western Australia, Table 1, pp. 2-3 and  
Acts Nos. 18 of 1995 and 49 of 1996.]*



**PART 4 — AGRICULTURE ACT 1988**

***Agriculture Act 1988* amended**

**6.** Section 8 (2) (b) (i) of the *Agriculture Act 1988*\* is amended by deleting “Part III of the *Land Act 1933*” and substituting the following —

“ Part 4 of the *Land Administration Act 1997* ”.

[\* *Act No. 24 of 1988.*

*For subsequent amendments see 1995 Index to  
Legislation of Western Australia, Table 1, p. 7.]*



**PART 6 — ALBANY PORT AUTHORITY ACT 1926**

***Albany Port Authority Act 1926* amended**

**8.** Section 23 (1) (b) of the *Albany Port Authority Act 1926*\* is amended —

- (a) by deleting “or resumed”; and
- (b) by deleting “that Act.” and substituting the following —

“

Part 9 of the *Land Administration Act 1997*.

”.

[\* Reprinted as approved 24 March 1971.  
For subsequent amendments see 1995 Index to  
Legislation of Western Australia, Table 1, pp. 8-9 and  
Acts Nos. 14 and 49 of 1996.]



**PART 8 — BUILDERS' REGISTRATION ACT 1939**

***Builders' Registration Act 1939 amended***

**10.** Clause 5 of the Schedule to the *Builders' Registration Act 1939*\* is amended by deleting "*Land Act 1933*, in section 28 of" and substituting the following —

" *Land Administration Act 1997*, in Schedule 1 to       ".

[\* *Reprinted as at 3 May 1993.*

*For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, pp. 22-3 and Acts Nos. 14 and 81 of 1996 and Gazette 1 March 1995.]*



**PART 10 — BUNBURY RAILWAY LANDS ACT 1985**

***Bunbury Railway Lands Act 1985* amended**

**12.** Section 5 of the *Bunbury Railway Lands Act 1985*\* is amended by deleting “section 294 of the *Local Government (Miscellaneous Provisions) Act 1960*” and substituting the following —

“ the *Land Administration Act 1997* ”.

[\* *Act No. 32 of 1985.*

*For subsequent amendments see Act No. 14 of 1996.]*



**PART 12 — CITY OF PERTH PARKING FACILITIES  
ACT 1956**

***City of Perth Parking Facilities Act 1956* amended**

**14.** Section 14 of the *City of Perth Parking Facilities Act 1956*\* is amended —

- (a) by deleting “the *Public Works Act 1902*,” in the first place where it occurs and substituting the following —

“ Part 9 of the *Land Administration Act 1997* ”; and

- (b) by deleting “the *Public Works Act 1902*,” in the second place where it occurs and substituting the following —

“  
Parts 9 and 10 of the *Land Administration Act 1997*  
”;

and

- (c) by deleting “that Act.” and substituting the following —

“ the *Public Works Act 1902*. ”.

[\* Reprinted as approved 17 March 1983.  
For subsequent amendments see 1995 Index to  
Legislation of Western Australia, Table 1, p. 34 and  
Acts Nos. 78 of 1995 and 14, 49 and 81 of 1996.]

**PART 13 — CONSERVATION AND LAND MANAGEMENT  
ACT 1984**

***Conservation and Land Management Act 1984* amended**

**15.** (1) Section 5 of the *Conservation and Land Management Act 1984\** is amended —

- (a) by deleting “and” after paragraph (f);
- (b) by deleting the full stop at the end of paragraph (g) and substituting a semicolon; and
- (c) by inserting after paragraph (g) the following —

“  
and  
  
(h) any other land reserved under Part 4 of the *Land Administration Act 1997* the care, control and management of which are placed by order under that Part with the Commission or the Authority.  
”.

(2) The provisions set out in the Table to this subsection are amended by inserting after “*Land Act 1933*” the following —

“ , or Part 4 of the *Land Administration Act 1997*, ”.

**Table**

section 6 (3) (b)	section 6 (6) (b)
section 6 (5) (b)	section 7 (2)

(3) Section 6 (4) is amended by inserting after “*Land Act 1933*,” the following —

“ or Part 4 of the *Land Administration Act 1997*, ”.

(4) Section 7 (2) (b) is deleted and the following paragraph is substituted —

“

(b) by that order —

(i) the national park or nature reserve is vested, within the meaning of the *Land Act 1933*, in; or

(ii) the care, control and management of the national park or nature reserve are placed under Part 4 of the *Land Administration Act 1997* with,

some other person or persons.

”.

(5) Section 11 is amended —

(a) in paragraph (a), by inserting after “*Land Act 1933*” the following —

“

or Part 4 of the *Land Administration Act 1997*

”;

(b) in paragraph (b), by inserting after “granted” the following —

“ or transferred ”; and

(c) in paragraph (c), by deleting “the *Land Act 1933*” and substituting the following —

“ Part 7 of the *Land Administration Act 1997* ”.

(6) Section 15 (1) is amended —

(a) by deleting “he may — ” and substituting the following —

“  
the Governor may authorize the Minister  
administering the *Land Administration*  
*Act 1997* to —  
”;

and

(b) in paragraph (a), by deleting “the *Public Works Act 1902*,” and substituting the following —

“ Part 9 of that Act; ”.

(7) Section 17 (1) (d) is amended by deleting “*Land Act 1933* or” and substituting the following —

“  
*Land Administration Act 1997* as a class A reserve or  
under  
”.

(8) Section 17 (5) is repealed and the following subsection is substituted —

“  
(5) Except in the case of the waters of a marine park or marine nature reserve to which subsection (6) applies, the Minister may, subject to this section, recommend to the Minister administering the *Land Administration Act 1997* that an order be made to give effect to the proposal, and, if that Minister agrees, the proposed cancellation, amendment or alteration shall then be carried into effect under Part 4 of that Act.  
”.

(9) Section 17 (6) is amended by inserting after “nature reserve,” the following —

“  
other than a marine park or marine nature reserve comprising land reserved under Part 4 of the *Land Administration Act 1997*,  
”.

(10) Section 19 (1) is amended by inserting after paragraph (a) the following paragraph —

“  
(aa) to have the care, control and management of relevant land referred to in section 5 (h) placed with it;  
”.

(11) After section 19 (3) the following subsection is inserted —

“  
(4) Notwithstanding the *Land Administration Act 1997*, the placing of the care, control and management of land to which section 5 (h) applies with the Commission is only for the purposes referred to in subsection (2).  
”.

(12) Section 22 (1) is amended by inserting after paragraph (a) the following paragraph —

“  
(aa) to have the care, control and management of relevant land referred to in section 5 (h) placed with it;  
”.

(13) After section 22 (3) the following subsection is inserted —

“

(3a) Notwithstanding the *Land Administration Act 1997*, the placing of the care, control and management of land to which section 5 (h) applies with the Authority is only for the purposes referred to in subsection (2).

”.

(14) Section 33 (2) is amended by deleting “*Land Act 1933* or land reserved, but not vested in any person, under that Act or any other Act.” and substituting the following —

“

*Land Administration Act 1997* or land —

(a) reserved under Part 4 of that Act, but the care, control and management of which are not placed with any person under that Act;  
or

(b) reserved, but not vested in any person, under any other Act.

”.

(15) Section 56 (1) is amended —

(a) by inserting after “the purpose for which the land is vested in it,” the following —

“

or for which the care, control and management of the land are placed with it,

”;

and

- (b) by deleting paragraph (e) and substituting the following paragraph —

“  
(e) in the case of other land referred to in section 5 (g) or (h), to achieve the purpose for which the land was vested in, or for which the care, control and management of the land were placed with, the controlling body.  
”.

- (16) Section 81 is amended in the definition of “public land” —

- (a) in paragraph (b) —

- (i) by inserting after “granted” the following —

“ or transferred ”; and

- (ii) in subparagraph (i), by deleting “the *Land Act 1933*,” and substituting the following —

“  
Part 7 of the *Land Administration Act 1997*;  
”;

and

- (b) in paragraph (c), by deleting “*Land Act 1933* but vested in” and substituting the following —

“  
*Land Administration Act 1997* but the care, control and management of which are placed with  
”.

(17) Section 84 (1) is amended —

- (a) by deleting “that is not vested in the Crown or is not under the control and management of” and substituting the following —

“  
the care, control and management of which  
are not placed with the Crown or  
”;  
and

- (b) by deleting “in whom the area of public land is vested or who has the control and management thereof, as the case may be.” and substituting the following —

“  
with whom the care, control and  
management of the area of public land are  
placed.  
”.

(18) Section 87 (2) is amended by deleting paragraph (a) and “and” after that paragraph and substituting the following —

“  
(a) reserved under Part 4 of the *Land Administration Act 1997* but the care, control and management of which are not placed with any person under that Act; and  
”.

(19) Section 108C (3) (a) is amended by deleting “section 28 of the *Land Act 1933*” and substituting the following —

“ Schedule 1 to the *Land Administration Act 1997* ”.

(20) Section 130 (1) is amended by inserting after “section 5 (g)” the following —

“ and (h), ”.

(21) Section 130 (3) is amended by inserting after “commencement of this Act,” the following —

“ or under Part 4 of the *Land Administration Act 1997* ”.

[\* *Reprinted as at 20 January 1997.*]



**PART 15 — CONTROL OF VEHICLES (OFF-ROAD AREAS)  
ACT 1978**

***Control of Vehicles (Off-road areas) Act 1978* amended**

**17.** Section 39 (2) (a) (i) of the *Control of Vehicles (Off-road areas) Act 1978*\* is amended by deleting “pursuant to section 29 of the *Land Act 1933*” and substituting the following —

“ under Part 4 of the *Land Administration Act 1997* ”.

[\* *Act No. 117 of 1978.*

*For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 49 and Acts Nos. 78 of 1995 and 14, 30, 49 and 76 of 1996.]*

**PART 16 — COUNTRY AREAS WATER SUPPLY ACT 1947**

***Country Areas Water Supply Act 1947* amended**

**18.** (1) The provisions of the *Country Areas Water Supply Act 1947*\* set out in the Table to this subsection are amended by deleting “the Registrar of Deeds, or the Minister for the time being administering the *Land Act 1933*,” and substituting the following —

“ or the Registrar of Deeds ”.

**Table**

section 12BA (1)	section 12EA (1)
section 12BB (1)	section 12EA (2)
section 12BC	

(2) Section 12E (7) (a) is amended —

(a) by inserting after “*Public Works Act 1902*” the following —

“  
    , as in force prior to the coming into  
    operation of the *Land Administration*  
    *Act 1997*,  
”;

and

(b) by inserting after “*Water Agencies (Powers) Act 1984*” the following —

“  
    or under Part 9 of the *Land Administration*  
    *Act 1997*  
”.

(3) Section 12EB (3) (a) is amended by deleting “sections 29, 29A, and 29B of the *Public Works Act 1902*” and substituting the following —

“  
Division 5 of Part 9 of the *Land Administration Act 1997*  
”.

(4) Section 12EC (1) is amended by deleting “Part III of the *Public Works Act 1902*” in both places where it occurs and substituting in each place the following —

“ Part 10 of the *Land Administration Act 1997* ”.

(5) Section 14 (1) is amended —

(a) by inserting after “those Acts, the powers conferred by” the following —

“ Part 9 of the *Land Administration Act 1997*  
and  
”;

(b) by deleting “that Act shall be read” and substituting the following —

“ Part 9 of the *Land Administration Act 1997*  
and the *Public Works Act 1902* shall each  
be read  
”;

and

(c) in paragraph (b), by deleting “the *Public Works Act 1902* relating to those matters, in relation to the construction of public works under that Act.” and substituting the following —

“ Part 9 of the *Land Administration Act 1997*  
relating to those matters, in relation to the  
construction of public works under the  
*Public Works Act 1902*.  
”.

(6) Section 85 (1) is amended by deleting “or in the Department of Lands and Surveys”.

(7) Section 85 (7) is amended —

(a) by deleting “the Permanent Head of the Department of Lands and Surveys”; and

(b) by inserting after “Crown lease” the following —

“ , lease of Crown land, ”.

(8) Section 95 is amended by inserting after “conditional purchase lease of the land,” the following —

“  
or in the certificate of title, certificate of Crown land title, qualified certificate of Crown land title or lease of Crown land relating to the land,  
”.

(9) Section 96 is amended by deleting “the Under Secretary for Lands”.

(10) Section 97 (2) is amended by deleting “Under Secretary for Lands,”.

[\* *Reprinted as at 27 May 1996.*  
*For subsequent amendments see Acts Nos. 78 of 1995 and 14 and 81 of 1996.*]

**PART 17 — COUNTRY HIGH SCHOOL HOSTELS  
AUTHORITY ACT 1960**

***Country High School Hostels Authority Act 1960* amended**

**19.** (1) Section 11 (1) of the *Country High School Hostels Authority Act 1960*\* is amended —

- (a) by deleting “Governor shall, upon being requested by the Minister so to do, by Order in Council, vest in the Authority under and subject to the provisions of the *Land Act 1933* — ” and substituting the following —

“

Minister administering the *Land Administration Act 1997* shall, on being requested by the Minister administering this Act to do so, by order under Part 4 of the *Land Administration Act 1997*, place with the Authority the care, control and management of —

”;

- (b) in paragraph (a), by deleting “to Her Majesty under that Act” and substituting the following —

“ under that Part of that Act ”; and

- (c) by deleting “making of the Order the land or property shall vest accordingly.” and substituting the following —

“

the registration of the order the care, control and management of the land shall be placed with the Authority accordingly.

”.



**PART 18 — COUNTRY TOWNS SEWERAGE ACT 1948**

***Country Towns Sewerage Act 1948* amended**

**20.** (1) Section 11 (1) of the *Country Towns Sewerage Act 1948*\* is amended —

- (a) by inserting after “those Acts, the powers conferred by” the following —

“  
Part 9 of the *Land Administration Act 1997*  
and  
and  
”;

- (b) by deleting “that Act shall be read” and substituting the following —

“  
Part 9 of the *Land Administration Act 1997*  
and the *Public Works Act 1902* shall each  
be read  
”.

(2) Section 89 is amended by inserting after “conditional purchase lease of the land,” the following —

“  
or in the certificate of title, certificate of Crown land title, qualified certificate of Crown land title or lease of Crown land relating to the land,  
”.

(3) Section 90 is amended by deleting “the Under Secretary for Lands”.



**PART 19 — CRIMES (CONFISCATION OF PROFITS)  
ACT 1988**

***Crimes (Confiscation of Profits) Act 1988* amended**

**21.** The provisions of the *Crimes (Confiscation of Profits) Act 1988*\* set out in the Table to this section are amended —

(a) by inserting after “in the form” the following —

“ approved or ”; and

(b) by deleting “, the *Registration of Deeds Act 1856* or the *Land Act 1933*” and substituting the following —

“ or the *Registration of Deeds Act 1856* ”.

**Table**

section 25 (6)	section 26 (5)
section 25 (8)	section 50 (5)
section 26 (3)	section 50 (7)

[\* *Act No. 47 of 1988.*

*For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 53 and Acts Nos. 78 of 1995 and 14 of 1996.]*



**PART 21 — EAST PERTH REDEVELOPMENT ACT 1991**

***East Perth Redevelopment Act 1991* amended**

**23.** (1) Section 21 (1) of the *East Perth Redevelopment Act 1991*\* is amended —

(a) by inserting after “purposes of” the following —

“  
Parts 9 and 10 of the *Land Administration Act 1997* and  
”;

(b) by deleting “and the Authority” and substituting the following —

“  
and, if necessary for any of those purposes,  
the Authority  
”;

and

(c) by deleting “that Act.” and substituting the following —

“ the *Public Works Act 1902.* ”

(2) Section 21 (2) is amended —

(a) by inserting after “applying” the following —

“  
Parts 9 and 10 of the *Land Administration Act 1997* and  
”;

- (b) in paragraph (a), by deleting “that Act” and substituting the following —

“ those Acts ”; and

- (c) by deleting paragraphs (b) and (c) and substituting the following paragraphs —

“

(b) sections 170, 171, 172, 173, 174, 175, and 184 of the *Land Administration Act 1997* do not apply; and

(c) sections 187, 188, 189, 190, and 191 of the *Land Administration Act 1997* do not apply to land in the redevelopment area taken or acquired under the *Public Works Act 1902* before the commencement of this Act.

”.

- (3) Section 23 is amended by deleting “section 288A of the *Local Government (Miscellaneous Provisions) Act 1960*” and substituting the following —

“ section 58 of the *Land Administration Act 1997* ”.

[\* *Act No. 62 of 1991.*

*For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 65 and Acts Nos. 14, 23, 41, 49 and 82 of 1996.]*

**PART 22 — EDITH COWAN UNIVERSITY ACT 1984**

***Edith Cowan University Act 1984* amended**

**24.** Section 28 (1) (a) of the *Edith Cowan University Act 1984*\* is amended by deleting “to Her Majesty under the *Land Act 1933*” and substituting the following —

“ under Part 4 of the *Land Administration Act 1997* ”.

[\* *Reprinted as at 16 May 1991.*

*For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 65 and Acts Nos. 78 of 1995 and 22 and 49 of 1996.]*



**PART 24 — ENERGY CORPORATIONS (POWERS)  
ACT 1979**

***Energy Corporations (Powers) Act 1979* amended**

**26.** (1) Section 28 (3) (c) of the *Energy Corporations (Powers) Act 1979\** is amended by deleting “or resumed pursuant to the *Public Works Act 1902*” and substituting the following —

“ under Part 9 of the *Land Administration Act 1997* ”.

(2) Section 37 (1) is amended by deleting “or resumption pursuant to the *Public Works Act 1902*” and substituting the following —

“ under Part 9 of the *Land Administration Act 1997* ”.

(3) Section 38 (1) (a) is amended by inserting after “*Public Works Act 1902*” the following —

“ or the *Land Administration Act 1997* ”.

(4) Section 38 (2) is amended by deleting “section 17 (2) (c) (ii) of the *Public Works Act 1902*” and substituting the following —

“ section 170 (5) (b) of the *Land Administration Act 1997* ”.

(5) Section 38 (3) is repealed.

(6) Section 38 (4) is amended —

(a) by deleting “it shall be a sufficient compliance with section 23 (3) and (4) of the *Public Works Act 1902*, if there is” and substituting the following —

“ there shall be ”; and

- (b) by inserting before “returned to the person” the following —

“ shall be ”.

- (7) Section 39 (2) (a) is amended —

- (a) by deleting “section 29A of the *Public Works Act 1902*” and substituting the following —

“  
section 191 of the *Land Administration Act 1997*  
”;  
and

- (b) in subparagraph (i), by deleting “that Act; or” and substituting the following —

“ the *Public Works Act 1902*; or ”.

- (8) Section 40 (2) is amended —

- (a) by deleting “or compulsory resumption”; and

- (b) by deleting “section 29, section 29A, and section 29B of the *Public Works Act 1902*,” and substituting the following —

“  
sections 187, 188, 189, 190, and 191 of the  
*Land Administration Act 1997*  
”.

- (9) Section 45 (3) (b) is amended by deleting “the *Public Works Act 1902*,” and substituting the following —

“ Part 10 of the *Land Administration Act 1997*, ”.

(10) Section 45 (5) is amended by deleting “the *Public Works Act 1902*,” and substituting the following —

“ Parts 9 and 10 of the *Land Administration Act 1997*, ”.

(11) Section 45 (7) is amended —

(a) by deleting “acquisition or undertake that public work,” and substituting the following —

“  
acquisition under Part 9 of the *Land Administration Act 1997* or undertake that public work under the *Public Works Act 1902*,  
”;

and

(b) by deleting “gazetting of the notice of the acquisition of the land for the purposes of section 63 of that Act” and substituting the following —

“  
taking of the land for the purposes of section 241 (2) (c) of the *Land Administration Act 1997*  
”.

(12) Section 45 (8) is repealed.

(13) Section 45 (9) and (10) are repealed and the following subsections are substituted —

“  
(9) For the purposes of this Act, where a corporation so requires the corporation may exercise any power that is by the *Public Works Act 1902* or Parts 9 and 10 of the *Land Administration Act 1997* vested in the relevant Minister and in so far as that Act applies, or those Parts apply, to the compulsory

taking of any land, or the entry on, occupation or use of any land, pursuant to this Act any reference in that Act or those Parts to the relevant Minister, or to the department of the Public Service principally assisting the relevant Minister in the administration of that Act or those Parts, may be read for the purposes of this Act as a reference to the corporation and that Act or those Parts may be construed accordingly.

(10) Subsection (9) does not prevent the relevant Minister from exercising the relevant Minister's powers under the *Public Works Act 1902* or Parts 9 and 10 of the *Land Administration Act 1997* on behalf of a corporation when requested by the corporation to do so.

”.

(14) Section 45 (11) is amended by deleting “the *Public Works Act 1902*,” and substituting the following —

“ Part 10 of the *Land Administration Act 1997*, ”.

(15) Section 45 (12) is amended by deleting “section 17 (2) (d) (i) of the *Public Works Act 1902*” and substituting the following —

“ section 175 (1) of the *Land Administration Act 1997* ”.

(16) Section 45 (13) is amended —

(a) by deleting “pursuant to the *Public Works Act 1902*,” and substituting the following —

“

under Part 9 of the *Land Administration Act 1997*

”;

(b) by deleting “upon publication in the *Government Gazette* of the notice referred to in section 17 (1) of the

*Public Works Act 1902*, be vested in the corporation for the public work specified in that notice, by force of section 18 of that Act as read with this subsection;” and substituting the following —

“  
on the registration of the relevant taking order made under section 177 of that Act, be vested in the corporation for the purpose of the public work for which the land is acquired, by force of section 179 of that Act as read with this subsection;  
”;

- (c) by deleting “Governor may, by that notice,” and substituting the following —

“  
Minister administering that Act may, by that taking order,  
”;

and

- (d) by deleting “the Governor on further notice,” and substituting the following —

“  
that Minister by a subsequent order under that Act,  
”.

- (17) Section 45 (14) is amended —

- (a) by deleting “set apart, taken or resumed” and substituting the following —

“ taken ”;

- (b) by deleting “the *Public Works Act 1902*, then notwithstanding section 18” and substituting the following —

“  
Part 9 of the *Land Administration Act 1997*, then notwithstanding section 179  
”;

and

- (c) in paragraph (b), by deleting “section 34” and substituting the following —

“ section 202 ”.

- (18) After section 45 (15) the following subsection is inserted —

“

- (16) In subsections (9) and (10) —

“**relevant Minister**” means the Minister administering the *Public Works Act 1902* or Parts 9 and 10 of the *Land Administration Act 1997*, as the case requires.  
”.

- (19) Section 46 (3) is amended —

- (a) in paragraph (b), by deleting “or resume under and in accordance with the *Public Works Act 1902*” and substituting the following —

“  
under Part 9 of the *Land Administration Act 1997*  
”;

and

- (b) in paragraph (c), by deleting “section 25 of the *Public Works Act 1902*.” and substituting the following —

“  
section 176 of the *Land Administration Act 1997*.  
”.

- (20) Section 46 (10) is amended by deleting “section 17, section 82, section 112, or section 112A of the *Public Works Act 1902*,” and substituting the following —

“  
Subdivision 2 of Division 3, or Division 4, of Part 9 of the *Land Administration Act 1997* or section 82 of the *Public Works Act 1902*,  
”.

[\* Reprinted as at 25 May 1995.  
For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, pp. 70-1 and Acts Nos. 78 of 1995 and 14 of 1996.]

**PART 25 — ENVIRONMENTAL PROTECTION ACT 1986**

***Environmental Protection Act 1986* amended**

**27.** (1) Section 66 (1) of the *Environmental Protection Act 1986\** is amended —

(a) in paragraph (a), by inserting after “*Transfer of Land Act 1893*” the following —

“ *or Land Administration Act 1997* ”;

(b) by inserting after paragraph (a) the following —

“ *or* ”;

(c) by deleting “; or” at the end of paragraph (b) and substituting a full stop; and

(d) by deleting paragraph (c).

(2) The provisions set out in the Table to this subsection are amended by deleting “, the Registrar of Deeds and Transfers or the Under Secretary for Lands” and substituting the following —

“ *or the Registrar of Deeds and Transfers* ”.

**Table**

section 66 (2)  
section 66 (3)

section 66 (4)

(3) Section 66 (5) is amended —

(a) by deleting the semicolon at the end of the definition of “Registrar of Deeds and Transfers” and substituting a full stop; and

- (b) by deleting the definition of “Under Secretary for Lands”.

[\* *Reprinted as at 7 March 1996.*  
*For subsequent amendments see Acts Nos. 14, 23, 49,*  
*50 and 81 of 1996.*]



**PART 27 — FORREST PLACE AND CITY STATION  
DEVELOPMENT ACT 1985**

***Forrest Place and City Station Development Act 1985*  
amended**

**29.** (1) Section 3 of the *Forrest Place and City Station Development Act 1985*\* is amended in the definition of “reserved land” by deleting “Part III of the *Land Act 1933*” and substituting the following —

“ Part 4 of the *Land Administration Act 1997* ”.

(2) Section 8 is amended by deleting “Governor under Part III of the *Land Act 1933* to reserve lands vested in the Crown” and substituting the following —

“ Minister administering the *Land Administration Act 1997* under Part 4 of that Act to reserve Crown land ”.

(3) Section 9 (1) is amended —

(a) by deleting “Part VIIIA of the *Land Act 1933*” and substituting the following —

“ Part 8 of the *Land Administration Act 1997* ”;

(b) by deleting paragraphs (a) and (b); and

(c) in paragraph (c) —

(i) by deleting the portion of the paragraph that begins “section 134J” and ends “the following — ” and substituting the following —

“  
section 150 (5) of that Act shall be deemed to be amended by inserting after “any purpose” the following —  
”;

and

(ii) by deleting “, remove from the appropriate register or registers”.

(4) Section 9 (2) is amended by deleting “Part VIIIA of the *Land Act 1933*” and substituting the following —

“ Part 8 of the *Land Administration Act 1997* ”.

(5) Section 11 (1) is amended by deleting “the *Local Government (Miscellaneous Provisions) Act 1960*” and substituting the following —

“ Part 5 of the *Land Administration Act 1997* ”.

(6) Section 11 (2) is amended —

(a) by deleting “section 288A of the *Local Government (Miscellaneous Provisions) Act 1960*” and substituting the following —

“ section 58 (1) to (5) of the *Land Administration Act 1997* ”;

(b) in paragraph (a), by inserting after “Minister” the following —

“ administering the *Land Administration Act 1997* ”;

(c) by deleting “and” after paragraph (a); and

(d) by deleting paragraph (b) and substituting the following paragraphs —

“ (b) when the notification referred to in paragraph (a) has been given the Minister referred to in that paragraph

shall cause the relevant order to be registered under the *Transfer of Land Act 1893*; and

- (c) the street shall be closed on and from the day that order is so registered.

”.

(7) Section 11 (3) is amended —

- (a) by deleting “Section 294 (1) (a) and (b) of the *Local Government (Miscellaneous Provisions) Act 1960* apply” and substituting the following —

“

Section 58 (6) of the *Land Administration Act 1997* applies

”;

and

- (b) by deleting “street” in the second place where it occurs and substituting the following —

“ road ”.

(8) Section 12 (1) is amended by deleting “Subsections (2) to (6) of section 17 of the *Public Works Act 1902*” and substituting the following —

“

Sections 170, 171, 172, 173, 174, and 175 of the *Land Administration Act 1997*

”.

(9) Section 12 (2) is amended by deleting “the *Public Works Act 1902*” and substituting the following —

“ Part 10 of the *Land Administration Act 1997* ”.

(10) Section 12 (3) is amended by deleting “*Land Act 1933* and, if it is under the operation of the *Transfer of Land Act 1893*, removed from the operation of that Act.” and substituting the following —

“ *Land Administration Act 1997.* ”.

(11) Section 12 (6) is amended by deleting “setting apart, taking or resumption of the land under the *Public Works Act 1902.*” and substituting the following —

“  
taking of the land under Part 9 of the *Land Administration Act 1997.*  
”.

(12) Section 13 is amended —

(a) by deleting “reserved land is vested in” and substituting the following —

“  
the care, control and management of  
reserved land are placed with  
”;  
and

(b) in paragraph (a), by deleting “Order in Council vesting the land in the City shall not be revoked under section 34B (1) of the *Land Act 1933*” and substituting the following —

“  
order placing the care, control and  
management of the land with the City shall  
not be revoked under Part 4 of the *Land Administration Act 1997*  
”.

(13) Section 15 (1) is amended by deleting “vested in” and substituting the following —

“ placed with ”.

(14) Section 18 (1) (a) (ii) is amended by deleting “that is vested in” and substituting the following —

“  
the care, control and management of which are placed  
with  
”.

[\* *Act No. 106 of 1985.*  
*For subsequent amendments see 1995 Index to*  
*Legislation of Western Australia, Table 1, p. 83 and*  
*Act No, 14 of 1996.]*

**PART 28 — GERALDTON FORESHORE AND MARINA  
DEVELOPMENT ACT 1990**

***Geraldton Foreshore and Marina Development Act 1990*  
amended**

**30.** (1) Section 4 (2) of the *Geraldton Foreshore and Marina Development Act 1990\** is amended by deleting “Sections 29, 29A and 29B of the *Public Works Act 1902* do” and substituting the following —

“ Sections 187, 188, 189, 190, and 191 of the *Land Administration Act 1997* do ”.

(2) Section 8 (3) is repealed and the following subsection is substituted —

“ (3) The provisions of the *Land Administration Act 1997* apply to and in relation to the lands referred to in subsections (1) and (2) as if —

- (a) the lands were reserved; and
- (b) the care, control and management of the lands were placed with the City of Geraldton,

under Part 4 of that Act.

”.

(3) Section 10 (2) is repealed and the following subsection is substituted —

“ (2) The provisions of the *Land Administration Act 1997* apply to and in relation to the land referred to in subsection (1) as if —

- (a) the land were reserved; and

- (b) the care, control and management of the land were placed with the Commission,

under Part 4 of that Act.

”.

(4) Section 11 (2) is amended —

- (a) by deleting “the *Local Government (Miscellaneous Provisions) Act 1960*” and substituting the following —

“ Part 5 of the *Land Administration Act 1997* ”; and

- (b) by deleting “declared to be public streets under section 288” and substituting the following —

“ dedicated as roads under section 56 ”.

[\* *Act No. 44 of 1990.*

*For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 90 and Act No. 14 of 1996.]*



**PART 30 — HEALTH ACT 1911**

***Health Act 1911* amended**

**32.** (1) Section 62 of the *Health Act 1911*\* is amended in the second proviso by deleting “the *Public Works Act 1902*.” and substituting the following —

“ Part 10 of the *Land Administration Act 1997*. ”.

(2) Section 83 (c) is amended by deleting “the *Public Works Act 1902*” and substituting the following —

“ Part 10 of the *Land Administration Act 1997* ”.

[\* *Reprinted as at 18 December 1990.*

*For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, pp. 97-9, and Acts Nos. 88 of 1994, 78 of 1995 and 14, 28, 49, 50, 64 and 81 of 1996.]*

**PART 31 — HERITAGE OF WESTERN AUSTRALIA  
ACT 1990**

***Heritage of Western Australia Act 1990* amended**

**33.** (1) Section 3 (2) (a) (ii) and (iii) of the *Heritage of Western Australia Act 1990*\* are deleted and the following subparagraph is substituted —

“

- (ii) where the land is subject to the *Transfer of Land Act 1893* or the *Land Administration Act 1997*, a proprietor within the meaning of the *Transfer of Land Act 1893*;

”.

(2) Section 73 (1) (b) is amended by deleting “the *Public Works Act 1902* applies and liable to be compulsorily acquired under that Act;” and substituting the following —

“

Part 9 of the *Land Administration Act 1997* applies and liable to be taken under that Part;

”.

(3) Section 73 (1) (c) is amended —

- (a) by deleting “upon the publication in the *Gazette* of a notice under section 17 (2) (b) of that Act,” and substituting the following —

“

on the issue of a notice of intention under section 171 of the *Land Administration Act 1997*,

”;

and

- (b) by deleting “or resumption”.

(4) Section 73 (2) is amended by deleting “the *Public Works Act 1902*” and substituting the following —

“ Part 10 of the *Land Administration Act 1997* ”.

(5) Section 73 (3) is amended by deleting “or resuming any land under the provisions of the *Public Works Act 1902*” and substituting the following —

“ any land under Part 9 of the *Land Administration Act 1997* ”.

(6) Section 77 (2) is amended —

(a) by deleting “section 113 of the *Public Works Act 1902*” in both places where it occurs and substituting in each place the following —

“ section 203 of the *Land Administration Act 1997* ”;

and

(b) by deleting “section 112A” in both places where it occurs and substituting in each place the following —

“ Division 4 of Part 9 ”.

(7) Section 77 (3) is amended by deleting “section 112A or 113 of the *Public Works Act 1902*” and substituting the following —

“ Division 4 of Part 9 of the *Land Administration Act 1997* ”.

[\* *Act No. 103 of 1990.*

*For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 100 and Acts Nos. 78 of 1995 and 14 and 49 of 1996.]*



**PART 33 — HOUSING ACT 1980**

***Housing Act 1980* amended**

**35.** Section 21 (1) (a) of the *Housing Act 1980*\* is amended by deleting “set apart or reserved under the *Land Act 1933*” and substituting the following —

“

reserved under Part 4 of the *Land Administration Act 1997*

”.

[\* *Act No. 58 of 1980.*

*For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, pp. 102-3 and Acts Nos. 14, 41, 49 and 81 of 1996.]*



**PART 35 — LAND ACQUISITION AND PUBLIC WORKS  
ACT 1902**

**Principal Act**

**37.** In this Part the *Land Acquisition and Public Works Act 1902*\* is referred to as the principal Act.

[\* *Previously the Public Works Act 1902.*  
*Reprinted as at 22 June 1992.*  
*For subsequent amendments, see 1995 Index to*  
*Legislation of Western Australia, Table 1, pp. 119-20*  
*and Acts Nos. 14, 49 and 81 of 1996.]*

**Long title repealed and new long title substituted**

**38.** The principal Act is amended by repealing the long title and substituting the following —

“ **AN ACT relating to public works.** ”.

**Section 1 amended**

**39.** Section 1 of the principal Act is amended by deleting “*Land Acquisition and*”.

**Section 2 amended**

**40.** Section 2 of the principal Act is amended —

- (a) by repealing the definition of “Claimant”;
- (b) in the definition of “Crown land” —
  - (i) by deleting “dedicated to” and substituting the following —

“ designated for ”; and

- (ii) by deleting “of class A under section 31 (1) (a) of the *Land Act 1933*” and substituting the following —

“  
a class A reserve under the *Land Administration Act 1997*  
”;

- (c) in the definition of “Minister” —

(i) by deleting all words from “and also as regards” to “enforcement thereof”, inclusive; and

(ii) by deleting “save and except as aforesaid,”;

- (d) by repealing the definitions of “native title”, “native title holder”, “native title rights and interests”, “NTA”, “Principal Registrar of the Supreme Court”, “Public notice” and “Publicly notified”;

- (e) by repealing the definition of “Public reserve” and substituting the following definition —

“  
“**Public reserve**” means a reserve under  
the *Land Administration Act 1997*;  
”;

- (f) in paragraph (17A) of the definition of “Public work” and “work”, by deleting “reserves within the meaning of the *Land Act 1933*” and substituting the following —

“ public reserves) ”; and

- (g) by repealing the definitions of “Public Works Acts” and “Respondent”.

**Section 5A amended**

**41.** Section 5A (f) of the principal Act is amended by deleting “Office of Government Accommodation” and substituting the following —

“ Government Property Office ”.

**Part 1B repealed**

**42.** Part 1B of the principal Act is repealed.

**Heading to Part II amended**

**43.** The heading to Part II of the principal Act is amended by deleting “**TAKING LANDS FOR**” and substituting the following —

“ **AUTHORIZING** ”.

**Section 10 repealed and a section substituted**

**44.** Section 10 of the principal Act is repealed and the following section is substituted —

“

**Entry on land required for a public work**

**10.** (1) Division 4 of Part 9 of the *Land Administration Act 1997* (dealing with the entry on land required for a public work) applies as if a reference in that Division to “the Minister” were a reference to the Minister responsible for the administration of this Act.

(2) Part 10 of the *Land Administration Act 1997* (dealing with compensation) applies in relation to an act done under subsection (1) as if it had been done under that Act.

”.

**Sections 12 to 27 repealed and headings deleted**

**45.** (1) Sections 12, 13, 13A, 14, 15, 16, 17, 17A, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27 of the principal Act are repealed.

(2) The headings before sections 12, 25, 26 and 27 of the principal Act are deleted.

**Section 28 repealed and a section substituted and heading deleted**

**46.** (1) Section 28 of the principal Act is repealed and the following section is substituted —

“

**Power may be exercised after initiation of a public work**

**28.** A power under this Act that may be exercised in relation to a public work, including a power to close a road or street, may be exercised at any time when it is found convenient or desirable to exercise it for the construction, or during the existence, of the public work concerned.

”.

(2) The heading before section 28 of the principal Act is deleted.

**Sections 29 to 33B repealed and heading deleted**

**47.** (1) Sections 29, 29A, 29B, 30, 31, 32, 33, 33A and 33B of the principal Act are repealed.

(2) The heading before section 29 of the principal Act is deleted.

**Part IIA repealed**

48. Part IIA of the principal Act is repealed.

**Part III repealed**

49. Part III of the principal Act is repealed.

**Section 83C amended**

50. Section 83C of the principal Act is amended by repealing subsections (3) and (4) and substituting the following subsections —

“

(3) Subject to subsection (2), a claim shall be made and compensation assessed in accordance with Part 10 of the *Land Administration Act 1997* as if a reference in that Part to the acquiring authority were a reference to the Minister or local government.

(4) The Minister or local government shall offer to negotiate with the occupier of, or the proprietor of any interest in, the land affected by an act under this Act for the payment of compensation for any damage caused, or expected to be caused, by the act, and a person who enters into such an agreement shall not be entitled to claim compensation for that damage under subsection (2).

”.

**Section 91 amended**

51. Section 91 (3) of the principal Act is amended by inserting after “publicly notified” the following —

“ in the same way ”.

**Sections 97 and 98 repealed**

52. Sections 97 and 98 of the principal Act are repealed.

**Section 99 amended**

53. Section 99 of the principal Act is amended in subsection (3) by deleting “Part III” and substituting the following —

“ Part 10 of the *Land Administration Act 1997* ”.

**Section 105 repealed**

54. Section 105 of the principal Act is repealed.

**Sections 112 to 113 repealed**

55. Sections 112, 112A and 113 of the principal Act are repealed.

**Section 116 amended**

56. Section 116 of the principal Act is amended by deleting “*Land Acquisition and*”.

**Section 119 repealed**

57. Section 119 of the principal Act is repealed.

**Section 122 amended**

**58.** Section 122 of the principal Act is amended —

- (a) in subsection (1) —
  - (i) by deleting “and any land required to be taken, purchased, or acquired for such work, or anything commenced under any such authority as aforesaid,”; and
  - (ii) by deleting “taken, purchased, or acquired,”;and
- (b) in subsection (2) by deleting “, taking,”.

**Section 123 amended**

**59.** Section 123 (1) of the principal Act is amended by deleting “lands taken or” and “, taken,”.

**Schedules 3 to 9 repealed**

**60.** Schedules 3, 4, 5, 6, 7, 8 and 9 to the principal Act are repealed.



**PART 37 — LAND TAX ASSESSMENT ACT 1976**

***Land Tax Assessment Act 1976* amended**

**62.** (1) Section 5 (1) of the *Land Tax Assessment Act 1976*\* is amended in the definition of “lot” —

- (a) by deleting “Lands and Surveys” in both places where it occurs and substituting in each place the following —

“ Land Administration ”;

- (b) by inserting after “separate Crown grant” the following —

“  
 , certificate of Crown land title, qualified  
 certificate of Crown land title,  
 ”;

- (c) by inserting after paragraph (a) the following paragraph —

“  
 (aa) of a certificate of Crown land title, or  
 qualified certificate of Crown land  
 title, created and registered under the  
 *Transfer of Land Act 1893*;  
 ”;

and

- (d) by deleting paragraph (c) and substituting the following paragraph —

“  
 (c) of a survey into a location or lot under  
 section 27 (2) of the *Land  
 Administration Act 1997*;  
 ”.



**PART 38 — LEGAL AID COMMISSION ACT 1976**

***Legal Aid Commission Act 1976* amended**

**63.** Section 44A (10) of the *Legal Aid Commission Act 1976*\* is amended in the definition of “relevant official” —

(a) in paragraph (a), by inserting after “*Transfer of Land Act 1893*” the following —

“ or *Land Administration Act 1997* ”;

(b) by inserting after paragraph (a) the following —

“ or ”;

(c) by deleting “; or” at the end of paragraph (b) and substituting a full stop; and

(d) by deleting paragraph (c).

[\* *Reprinted as at 14 August 1987.*

*For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, pp. 123-4 and Acts Nos. 78 of 1995 and 49 of 1996.]*



**PART 40 — LOCAL GOVERNMENT (MISCELLANEOUS  
PROVISIONS) ACT 1960**

**Principal Act**

**65.** In this Part the *Local Government (Miscellaneous Provisions) Act 1960\** is referred to as the principal Act.

[\* Reprinted as at 18 September 1996.  
For subsequent amendments see Acts Nos. 49 and 81  
of 1996.]

**Division 1 of Part XII (except for section 295) repealed,  
and savings and transitional**

**66.** (1) Sections 285, 286, 287, 288, 288A, 288B, 289, 290, 291, 292, 293, 294 and 294A of the principal Act are repealed.

(2) Any action taken under one or more of the sections repealed by subsection (1) and completed before the commencement of this section is to be treated for the purposes of the *Land Administration Act 1997* as if it had been taken under the corresponding section or sections of Part 5 of that Act.

(3) Any action taken under one or more of the sections repealed by subsection (1) but not completed before the commencement of this section —

- (a) may be completed as if that section or those sections had not been repealed; and
- (b) is on completion to be treated for the purposes of the *Land Administration Act 1997* as if it had been taken under the corresponding section or sections of Part 5 of that Act.

(4) For the purposes of subsections (2) and (3), a reference in a section repealed by subsection (1) to an expression with a particular meaning in the principal Act is to be taken to be a reference to an expression with a corresponding meaning in the *Land Administration Act 1997*.

**Section 297A repealed, and savings and transitional**

**67.** (1) Section 297A of the principal Act is repealed.

(2) Any action taken under section 297A of the principal Act and completed before the commencement of this section is to be treated for the purposes of the *Land Administration Act 1997* as if it had been taken under section 52 of that Act.

(3) Any action taken under section 297A of the principal Act but not completed before the commencement of this section —

(a) may be completed as if that section had not been repealed; and

(b) is on completion to be treated for the purposes of the *Land Administration Act 1997* as if it had been taken under section 52 of that Act.

(4) For the purposes of subsections (2) and (3), a reference in section 297A of the principal Act to an expression with a particular meaning in that section is to be taken to be a reference to an expression with a corresponding meaning in the *Land Administration Act 1997*.

**PART 41 — MAIN ROADS ACT 1930**

***Main Roads Act 1930* amended**

**68.** (1) Section 16 (4) of the *Main Roads Act 1930*\* is amended —

- (a) by deleting “section 112 and section 112A of the *Public Works Act 1902*” and substituting the following —

“  
Division 4 of Part 9 of the *Land Administration Act 1997*  
”;

and

- (b) by deleting “the provisions of section 113 and section 113A of that Act shall also apply” and substituting the following —

“  
section 203 of that Act applies, and  
section 113A of the *Public Works Act 1902*  
applies as if the powers had been conferred  
under that Act.  
”.

(2) Section 28 (11) is amended —

- (a) by deleting “resumed” and substituting the following —

“ compulsorily taken ”;

- (b) by deleting “the *Public Works Act 1902*” and substituting the following —

“  
Part 10 of the *Land Administration Act 1997*  
”;

and

- (c) by deleting “resumption” and substituting the following —

“ taking ”.

- (3) Section 28A (2) is amended —

- (a) in paragraph (h) —

- (i) by deleting “Part III of the *Public Works Act 1902*” and substituting the following —

“  
Part 10 of the *Land Administration Act 1997*  
”;

and

- (ii) by deleting “apply” and substituting the following —

“ applies ”;

and

- (b) in paragraph (i) —

- (i) by deleting “Part III” and substituting the following —

“ Part 10 ”;

- (ii) by deleting “section 36” and substituting the following —

“ section 207 ”; and

- (iii) by deleting “reference in that section to the date of publication in the *Gazette* of the notice of taking land were a reference to” and substituting the following —

“  
the period of 6 months referred to in  
subsection (1) of that section begins on  
”.

[\* *Reprinted as at 10 September 1987.*  
*For subsequent amendments see 1995 Index to*  
*Legislation of Western Australia, Table 1, pp. 134-5*  
*and Acts Nos. 10, 14 and 49 of 1996.]*



**PART 43 — METROPOLITAN REGION TOWN PLANNING  
SCHEME ACT 1959**

***Metropolitan Region Town Planning Scheme Act 1959***  
**amended**

**70.** (1) Section 37 (5) (a) of the *Metropolitan Region Town Planning Scheme Act 1959\** is amended by deleting “the *Public Works Act 1902*” and substituting the following —

“ Part 10 of the *Land Administration Act 1997* ”.

(2) Section 37 (7) (a) is amended —

(a) by deleting “the *Public Works Act 1902* or any other Act” and substituting the following —

“ any Act ”; and

(b) by deleting “section 29 of the first-mentioned Act” and substituting the following —

“  
Division 5 of Part 9 of the *Land Administration Act 1997*  
”.

(3) Section 37A (3) is amended —

(a) by deleting “the *Public Works Act 1902*” and substituting the following —

“  
Parts 9 and 10 of the *Land Administration Act 1997*  
”;

and



**PART 44 — MINING ACT 1978**

***Mining Act 1978* amended**

71. (1) Section 8 (1) of the *Mining Act 1978*\* is amended —

- (a) in the definition of “Crown land”, by deleting paragraph (d) and substituting the following paragraph —

“  
(d) land that is a townsite within the meaning of the *Land Administration Act 1997*;  
”;

and

- (b) in the definition of “public purpose” by deleting “pursuant to section 29 of the *Land Act 1933*” and substituting the following —

“  
under Part 4 of the *Land Administration Act 1997*  
”.

(2) Section 16 (3) is amended by deleting “granted, or disposed of” and substituting the following —

“ transferred in fee simple, or otherwise disposed of ”.

(3) Section 21 (1) is amended —

- (a) by deleting “to be resumed” and substituting the following —

“ to be taken ”;

- (b) by deleting “or resumed”;

- (c) by deleting “the *Land Acquisition and Public Works Act 1902*” and substituting the following —
- “ Part 9 of the *Land Administration Act 1997* ”; and
- (d) by deleting “or resumption”.
- (4) Section 21 (2) is amended by deleting “or resumed”.
- (5) Section 21 (3) is amended —
- (a) by deleting “or resumption”;
- (b) by deleting “the *Land Acquisition and Public Works Act 1902*” and substituting the following —
- “
- Part 10 of the *Land Administration Act 1997*
- ”;
- and
- (c) by deleting “resumed” and substituting the following —
- “ taken ”.
- (6) Section 21 (4) is amended —
- (a) by deleting “the *Land Acquisition and Public Works Act 1902*” and substituting the following —
- “
- Part 10 of the *Land Administration Act 1997*
- ”;
- and
- (b) by deleting “or resumed” in both places where it occurs.

(7) Section 22 is amended —

- (a) by deleting “or resumed”; and
- (b) by deleting “the *Land Acquisition and Public Works Act 1902*” and substituting the following —  
“ Part 9 of the *Land Administration Act 1997* ”.

(8) Section 24 (1) (a) is amended —

- (a) by deleting “section 28 of the *Land Act 1933*” and substituting the following —

“  
Schedule 1 to the *Land Administration Act 1997*  
”;  
and

- (b) by deleting “pursuant to Part III of that Act and classified as of Class “A” ” and substituting the following —

“  
under Part 4 of that Act and classified as a  
class A reserve  
”.

(9) Section 24 (1) (b) (ii) is amended by deleting “pursuant to Part III of the *Land Act 1933* and classified as of Class “A” ” and substituting the following —

“  
under Part 4 of the *Land Administration Act 1997* and  
classified as a class A reserve  
”.

(10) Section 24 (1) (b) (iii) is amended —

(a) by deleting “pursuant to Part III of the *Land Act 1933*” and substituting the following —

“  
under Part 4 of the *Land Administration Act 1997*  
”;  
and

(b) by deleting “as of Class “A” ” and substituting the following —

“ as a class A reserve ”.

(11) Section 24 (1) (c) is amended —

(a) by deleting “pursuant to Part III of the *Land Act 1933*,” and substituting the following —

“  
under Part 4 of the *Land Administration Act 1997*,  
”;  
and

(b) by deleting subparagraph (iv) and substituting the following subparagraph —

“  
(iv) land that is a townsite within the meaning of the *Land Administration Act 1997*.  
”.

(12) Section 25 (1) (d) is deleted and the following paragraph is substituted —

“  
(d) any land that is a townsite within the meaning of the *Land Administration Act 1997*.  
”.

(13) Section 26A (1) is amended by deleting “reserved or constituted as a townsite under the *Land Act 1933*” and substituting the following —

“  
that is a townsite within the meaning of the *Land Administration Act 1997*  
”.

(14) Section 26A (3) (b) is amended by deleting “reserved or constituted as a townsite under the *Land Act 1933*” and substituting the following —

“  
a townsite within the meaning of the *Land Administration Act 1997*  
”.

(15) Section 26A (8) is amended by deleting “the *Land Acquisition and Public Works Act 1902*” and substituting the following —

“ Part 10 of the *Land Administration Act 1997* ”.

(16) Section 26A (9) is amended by deleting “Section 16 of the *Land Acquisition and Public Works Act 1902*” and substituting the following —

“ Section 205 of the *Land Administration Act 1997* ”.

(17) Section 117 (1) is amended by inserting after “Crown grant”, in both places where it occurs, the following —

“ , transfer of Crown land in fee simple, ”.

(18) Section 117 (2) is amended by inserting after “Crown grant” the following —

“ , transfer of Crown land in fee simple, ”.

[\* *Reprinted as at 27 February 1996.*  
*For subsequent amendments see Acts Nos. 14 and 54 of 1996.*]



**PART 46 — MUSEUM ACT 1969**

***Museum Act 1969* amended**

**73.** Section 30 (1) of the *Museum Act 1969*\* is amended by deleting “to Her Majesty under the *Land Act 1933*” and substituting the following —

“ under the *Land Administration Act 1997* ”.

[\* *Act No. 90 of 1969.*

*For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, pp. 151-2 and Acts Nos. 78 of 1995 and 14, 22 and 49 of 1996.]*

**PART 47 — PAINTERS' REGISTRATION ACT 1961**

***Painters' Registration Act 1961 amended***

**74.** Clause 3 of the Schedule to the *Painters' Registration Act 1961*\* is amended by deleting "defined for the purposes of the *Land Act 1933*, in section 28 of that Act," and substituting the following —

“  
described in Schedule 1 to the *Land Administration Act 1997*,  
”.

[\* *Reprinted as at 9 May 1991.*  
*For subsequent amendments see Acts Nos. 14 and 81 of 1996.*]

**PART 48 — PARKS AND RESERVES ACT 1895**

***Parks and Reserves Act 1895* amended**

75. (1) Section 2 of the *Parks and Reserves Act 1895*\* is amended in the definition of “parks and reserves” by deleting “Part III of the *Land Act 1933*” and substituting the following —

“ Part 4 of the *Land Administration Act 1997* ”.

(2) Section 3 (1) is amended by deleting “Part III of the *Land Act 1933*” and substituting the following —

“ Part 4 of the *Land Administration Act 1997* ”.

(3) Section 3 (6) is repealed and the following subsection is substituted —

“ (6) Subject to section 5 (3), (4), (4a) and (5), if a Board that is constituted a body corporate under subsection (4) —

(a) has had land vested in it under section 33 of the *Land Act 1933* with power to lease, the Board shall be taken always to have had power to lease the land under and subject to that Act; or

(b) has the care, control and management of land placed with it under Part 4 of the *Land Administration Act 1997* with power to lease, the Board has the power to lease the land under and subject to that Act.

”.

[\* Reprinted as approved 31 January 1979.  
For subsequent amendments see 1995 Index to  
Legislation of Western Australia, Table 1, p. 160 and  
Act No. 78 of 1995.]

**PART 49 — PETROLEUM ACT 1967**

***Petroleum Act 1967 amended***

**76.** (1) Section 10 of the *Petroleum Act 1967\** is amended by deleting the portion of the section that begins “Every Crown grant” and ends “be deemed to contain,” and substituting the following —

“ Every —

- (a) Crown grant and lease under any Act relating to Crown land issued before the coming into operation of this Act shall be deemed to have contained; and
- (b) Crown grant, transfer of Crown land in fee simple, and lease under any Act relating to Crown land issued on or after the coming into operation of this Act shall contain, or if not containing those reservations, be deemed to contain,

”.

(2) Section 11 (3) is amended by deleting “the *Public Works Act 1902*” and substituting the following —

“ Part 10 of the *Land Administration Act 1997* ”.

(3) Section 12 (1) is amended —

(a) by deleting “resume” and substituting the following —

“ take ”;

(b) by deleting “resumed” and substituting the following —

“ taken ”; and

- (c) by deleting “resumption” and substituting the following —

“ taking ”.

- (4) Section 12 (2) is amended —

- (a) by deleting “resumed” in each place where it occurs and substituting in each place the following —

“ taken ”; and

- (b) by deleting “resume” and substituting the following —

“ take ”.

- (5) Section 12 (3) is amended —

- (a) by deleting “resumption” and substituting the following —

“ taking ”; and

- (b) by deleting “the *Public Works Act 1902*” and substituting the following —

“  
Part 10 of the *Land Administration Act 1997*  
”.

[\* Reprinted as at 17 December 1992.

*For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 168 and Act No. 14 of 1996.]*



(4) Section 19 (4) is amended —

(a) in paragraph (a) —

(i) by inserting after “*Transfer of Land Act 1893*”  
the following —

“ or *Land Administration Act 1997* ”; and

(ii) by deleting “under that Act”;

(b) by inserting after paragraph (a) the following —

“ or ”;

(c) by deleting the semicolon at the end of paragraph (b)  
and substituting a full stop; and

(d) by deleting paragraph (c).

(5) Section 20 (1) is amended by deleting “section 33A of the  
*Public Works Act 1902*” and substituting the following —

“ section 195 of the *Land Administration Act 1997* ”.

(6) Section 20 (3) is amended —

(a) by deleting “, the Registrar of Deeds and the Minister  
for Lands” and substituting the following —

“ or the Registrar of Deeds ”;

(b) in paragraph (d), by deleting the semicolon at the end  
of the paragraph and substituting the following —

“ or the *Land Administration Act 1997*; or ”; and

- (c) by deleting paragraphs (e) and (f) and substituting the following paragraph —

“  
(e) is alienated from the Crown but is not under the operation of the *Transfer of Land Act 1893*.  
”.

- (7) Section 20 (4) is amended by deleting “, the Registrar of Deeds or Minister for Lands” and substituting the following —

“ or Registrar of Deeds ”.

- (8) The provisions set out in the Table to this subsection are amended by deleting “, the Registrar of Deeds or the Minister for Lands” and substituting the following —

“ or Registrar of Deeds ”.

**Table**

section 20 (5) (a)	section 20 (6) (a)
section 20 (5) (b)	

[\* Reprinted as at 19 February 1992.  
For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 168 and Act No. 14 of 1996.]

**PART 51 — REGIONAL DEVELOPMENT COMMISSIONS  
ACT 1993**

***Regional Development Commissions Act 1993* amended**

**78.** Section 41 (1) of the *Regional Development Commissions Act 1993*\* is amended by deleting “the Minister administering the *Land Act 1933*”.

[\* *Act No. 53 of 1993.*

*For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 188 and Acts Nos. 14 and 41 of 1996.]*

**PART 52 — RIGHTS IN WATER AND IRRIGATION  
ACT 1914**

***Rights in Water and Irrigation Act 1914* amended**

**79.** (1) Section 17 (1) of the *Rights in Water and Irrigation Act 1914*\* is amended by inserting after “granted” the following —

“ , transferred in fee simple, ”.

(2) Section 17 (2) is amended —

(a) by deleting “the grant or demise” and substituting the following —

“ the grant, transfer, or demise ”; and

(b) by deleting “grant or lease.” and substituting the following —

“  
grant, transfer of Crown land in fee simple,  
or lease.  
”.

[\* *Reprinted as at 2 April 1996.*

*For subsequent amendments see Acts Nos. 14, 49 and 81 of 1996.]*

**PART 53 — RURAL HOUSING (ASSISTANCE) ACT 1976**

***Rural Housing (Assistance) Act 1976* amended**

**80.** Section 3 of the *Rural Housing (Assistance) Act 1976*\* is amended in the definition of “holding” —

(a) by deleting paragraph (b) and substituting the following —

“

(b) land of which an approved farmer is the lessee —

(i) under a pastoral lease granted under Part 7 of the *Land Administration Act 1997*; or

(ii) under any other lease granted under that Act and on which the approved farmer conducts activities related to primary production;

or

”;

(b) by deleting “or” after paragraph (c); and

(c) by deleting paragraph (d).

[\* *Act No. 26 of 1976.*

*For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 196 and Act No. 49 of 1996.]*



(6) Section 36 (1) is amended —

(a) in paragraph (a), by inserting after “*Transfer of Land Act 1893*” the following —

“  
or is the subject of a lease or licence under  
the *Land Administration Act 1997*  
”;

and

(b) by deleting paragraph (c).

(7) Section 36 (3) is amended —

(a) in paragraph (a), by inserting after “*Transfer of Land Act 1893*” the following —

“  
or is the subject of a lease or licence under  
the *Land Administration Act 1997*  
”;

(b) by inserting after paragraph (a) the following —

“ or ”;

(c) by deleting “; or” at the end of paragraph (b) and substituting a comma; and

(d) by deleting paragraph (c).

[\* Reprinted as at 30 January 1996.  
For subsequent amendments see Acts Nos. 14, 49 and  
81 of 1996.]

**PART 55 — STAMP ACT 1921**

**Third Schedule amended**

**82.** The Third Schedule to the *Stamp Act 1921*\* is amended by deleting item 2 (6) and substituting the following —

“

- (6) Any transfer of the fee simple in —
    - (a) Crown land the subject of both —
      - (i) a licence referred to in clause 21; and
      - (ii) a lease referred to in clause 22;
    - (b) Crown land the subject of a conditional purchase lease referred to in clause 26; or
    - (c) war service land referred to in clause 30,
- of Schedule 2 to the *Land Administration Act 1997*.

”.

[\* *Reprinted as at 23 January 1996.*  
*For subsequent amendments see Acts Nos. 14, 20, 45,*  
*48, 57, 61, 76 and 81 of 1996.]*

**PART 56 — STOCK (IDENTIFICATION AND MOVEMENT)  
ACT 1970**

***Stock (Identification and Movement) Act 1970* amended**

**83.** (1) Section 30 (1) (a) of the *Stock (Identification and Movement) Act 1970\** is amended by deleting “defined by section 28 of the *Land Act 1933*” and substituting the following —

“

described in Schedule 1 to the *Land Administration Act 1997*

”.

(2) Section 49B (2) is amended by deleting “defined by section 28 of the *Land Act 1933*” and substituting the following —

“

described in Schedule 1 to the *Land Administration Act 1997*

”.

[\* *Reprinted as at 8 June 1995.*

*For subsequent amendments see Acts Nos. 14 and 49 of 1996.]*

**PART 57 — SUBIACO REDEVELOPMENT ACT 1994**

***Subiaco Redevelopment Act 1994* amended**

**84.** (1) Section 24 (1) of the *Subiaco Redevelopment Act 1994*\* is amended —

(a) by inserting after “purposes of” the following —

“  
Parts 9 and 10 of the *Land Administration Act 1997* and  
”;

(b) by deleting “and the Authority” and substituting the following —

“  
and, if necessary for any of those purposes,  
the Authority  
”;

and

(c) by deleting “that Act.” and substituting the following —

“ the *Public Works Act 1902.* ”.

(2) Section 24 (2) is amended —

(a) by inserting after “applying” the following —

“  
Parts 9 and 10 of the *Land Administration Act 1997* and  
”;

- (b) in paragraph (a), by deleting “that Act” and substituting the following —

“ those Acts ”; and

- (c) by deleting paragraphs (b) and (c) and substituting the following paragraphs —

“

(b) sections 170, 171, 172, 173, 174, 175, and 184 of the *Land Administration Act 1997* do not apply; and

(c) sections 187, 188, 189, 190, and 191 of the *Land Administration Act 1997* do not apply to land in the redevelopment area taken or acquired under the *Public Works Act 1902* before the commencement of this Act.

”.

- (3) Section 27 is amended by deleting “section 288A of the *Local Government (Miscellaneous Provisions) Act 1960*” and substituting the following —

“ section 58 of the *Land Administration Act 1997* ”.

[\* *Act No. 35 of 1994.*

*For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 214 and Acts Nos. 14, 23 and 41 of 1996.]*

**PART 58 — TOWN ALLOTMENTS (BOUNDARIES)**  
**ACT 1844**

***Town Allotments (Boundaries) Act 1844 amended***

**85.** Section 1 of the *Town Allotments (Boundaries) Act 1844\** is amended by inserting after “any grant” the following —

“      or transfer in fee simple      ”.

[\* *8 Vict. No. 9.*

*For subsequent amendments see 1995 Index to  
Legislation of Western Australia, Table 1, p. 222.]*

**PART 59 — TOWN PLANNING AND DEVELOPMENT  
ACT 1928**

***Town Planning and Development Act 1928* amended**

**86.** (1) Section 2 (1) of the *Town Planning and Development Act 1928\** is amended in the definition of “lot” —

- (a) by inserting after “separate Crown Grant” the following —

“  
    , certificate of Crown land title, qualified  
    certificate of Crown land title,  
”;

- (b) by inserting after “or” after paragraph (a) the following —

“  
    (aa) of a certificate of Crown land title, or  
    qualified certificate of Crown land  
    title, created and registered under the  
    *Transfer of Land Act 1893*; or  
”;

and

- (c) by deleting paragraph (c) and “or” after that paragraph and substituting the following —

“  
    (c) of a survey into a location or lot under  
    section 27 (2) of the *Land*  
    *Administration Act 1997*; or  
”.

(2) Section 13 (2) is amended —

(a) by deleting paragraphs (a) and (b) and substituting the following paragraphs —

“

(a) sections 170 to 175 inclusive; and

(b) section 184,

”;

and

(b) by deleting “*Public Works Act 1902*” and substituting the following —

“      *Land Administration Act 1997*      ”.

(3) Section 20 (3) is amended by inserting after “Crown grant,” the following —

“

a certificate of Crown land title, a qualified certificate of Crown land title,

”.

[\* *Reprinted as at 21 February 1996.*

*For subsequent amendments see Acts Nos. 58 of 1995 and 14, 23, 49 and 81 of 1996.]*

**PART 60 — TRANSFER OF LAND ACT 1893**

**Principal Act**

**87.** In this Part the *Transfer of Land Act 1893*\* is referred to as the principal Act.

[\* *Reprinted as at 7 July 1975.*

*For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, pp. 224-5 and Acts Nos. 14 and 81 of 1996.]*

**Section 3 amended**

**88.** Section 3 of the principal Act is amended by inserting after —

(a) “**3.**” the following —

“ (1) ”;

(b) “to land whether” the following —

“ Crown, ”; and

(c) the existing section the following subsections —

“

(2) This Act does not —

(a) apply to the registration of rights over land in respect of minerals or petroleum; or

(b) prevent or otherwise affect the system of registration under other Acts of mining or petroleum rights in respect of land whether Crown, freehold or leasehold.

(3) In subsection (2) (b) —

**“mining or petroleum rights”** has the same meaning as it has in the *Land Administration Act 1997*.

”.

**Section 4 amended**

**89.** (1) Section 4 (1) of the principal Act is amended —

(a) in the definition of “Approved form” by inserting before “means” the following —

“ , subject to section 81K, ”;

(b) in the definition of “Authorized land officer” by deleting “*Land Act 1933*” and substituting the following —

“ *Land Administration Act 1997* ”;

(c) by deleting the definition of “Charge” and substituting the following definitions —

“ **“Certificate of Crown land title”** means certificate of Crown land title within the meaning of the *Land Administration Act 1997*.

**“Charge”** means —

(a) the instrument creating and charging an annuity; or

(b) subject to section 15 (10) of the *Land Administration Act 1997*, a charge referred to in section 15 (9) (b) of that Act.

”;

- (d) by inserting before the definition of “Crown Lease” the following definitions —

“

“**Crown land**” has the same meaning as it has in the *Land Administration Act 1997*.

“**Crown land lease**” means lease of Crown land registered under section 81Q.

”;

- (e) by inserting before the definition of “Department” the following definition —

“

“**Dealing**” has the same meaning as it has in the *Land Administration Act 1997*.

”;

- (f) by deleting the definition of “Instrument” and substituting the following definitions —

“

“**Instrument**” includes —

- (a) a conveyance, assignment, transfer, lease, sub-lease, mortgage, charge and creation of an easement, profit à prendre or restrictive covenant in relation to freehold land;
- (b) a document lodged with a plan or diagram under Part IVA for the purpose of creating an easement or restrictive covenant under that Part in relation to freehold land; and

(c) a dealing in relation to Crown land.

**“Interest”**, in relation to Crown land, has the same meaning as it has in the *Land Administration Act 1997*.

”;

(g) in the definition of “Land” by inserting after —

(i) “hereditaments corporeal or incorporeal” the following —

“ in freehold and Crown land ”;

(ii) “certificate of title” the following —

“  
certificate of Crown land title and  
qualified certificate of Crown land  
title

”;

(iii) “and lease” the following —

“ created and registered or ”;

(h) by inserting after the definition of “Land” the following definition —

“  
**“Management body”** has the same  
meaning as it has in the *Land  
Administration Act 1997*.

”;

(i) in the definition of “Minister for Lands” by deleting “*Land Act 1933*” and substituting the following —

“ *Land Administration Act 1997* ”;

- (j) by inserting after the definition of “Minister for Lands” the following definition —

“

**“Ministerial order”** means order made by the Minister for Lands under the *Land Administration Act 1997*.

”;

- (k) by deleting the definition of “Proprietor” and substituting the following definitions —

“

**“Profit à prendre”**, in relation to —

- (a) Crown land, has the same meaning as it has in the *Land Administration Act 1997*; or
- (b) other land, includes profit à prendre referred to in section 34B of the *Conservation and Land Management Act 1984*.

**“Proprietor”** means —

- (a) in relation to freehold land, the owner, whether in possession, remainder, reversion or otherwise, of land or of a lease, mortgage or charge over land; or
- (b) in relation to Crown land —
  - (i) the holder of an interest in Crown land; or

- (ii) a management body empowered under the *Land Administration Act 1997* to grant or enter into interests in Crown land or to deal with or create any other right or title of a proprietary nature in Crown land,

whose name appears in the Register as the proprietor of that freehold land, or the holder of that interest or power, and includes the donee of a power to appoint or dispose of that ownership, interest or power.

”;

- (l) by inserting after the definition of “Public authority” the following definition —

“

**“Qualified certificate of Crown land title”** means qualified certificate of Crown land title within the meaning of the *Land Administration Act 1997*.

”;

and

- (m) by inserting after the definition of “Register” the following definition —

“

**“Reserve”** has the same meaning as it has in the *Land Administration Act 1997*.

”.

(2) Section 4 of the principal Act is amended by inserting after subsection (1) the following subsections —

“

(1a) This Act applies, with such modifications —

- (a) as are necessary or desirable; or
- (b) as are prescribed,

or both, to Crown land.

(1b) Without limiting the generality of subsection (1a), a reference in this Act to —

- (a) a certificate of title, document of title or muniment of title includes, unless the contrary intention appears, a reference to a certificate of Crown land title or qualified certificate of Crown land title;
- (b) a Crown grant includes, unless the contrary intention appears, a reference to a certificate of title created and registered on the registration of a transfer in fee simple of the relevant parcel of Crown land;
- (c) land, to freehold land or to land under the operation of this Act includes, unless the contrary intention appears, a reference to Crown land;
- (d) the Minister includes, unless the contrary intention appears, a reference to the Minister for Lands;

- (e) a person having an estate or interest in land includes, unless the contrary intention appears, a reference to —
  - (i) a person having an interest in Crown land; and
  - (ii) a management body empowered under the *Land Administration Act 1997* to grant or enter into interests in Crown land;

or

- (f) the exercise of rights by a proprietor of land to grant leases, licences or mortgages of or over the land includes, unless the contrary intention appears, a reference to the exercise by a management body of corresponding powers conferred on it under section 46 (3) or 59 (5) of the *Land Administration Act 1997*.

(1c) A word or expression which is defined in the *Land Administration Act 1997* has, unless the contrary intention appears or the word or expression is otherwise defined in this Act, the same meaning in this Act as it has in that Act.

”.

#### **Section 4A inserted**

**90.** The principal Act is amended by inserting after section 4 and before Part 1 the following section —

“

#### **Certain provisions of this Act not to apply to Crown land**

**4A.** (1) Subject to subsection (2), this Act applies to Crown land in the same way as it applies to freehold land.

(2) Notwithstanding any other provision of this Act, sections 29, 48B, 70, 71B, 86, 222, 223 and 223A do not apply to Crown land.

”.

**Section 8 amended**

**91.** Section 8 of the principal Act is amended by inserting after —

(a) “**8.**” the following —

“ (1) ”; and

(b) the existing section the following subsections —

“

(2) The Commissioner may by instrument in writing under his hand —

(a) delegate to an Examiner of Titles all or any of the powers, duties or functions of the Commissioner under section 81S and Division 2 of Part IIIB, as the Commissioner thinks fit; and

(b) vary or revoke a delegation given by him under this subsection.

(3) A delegation under this section does not prevent the exercise of a power or the performance of a duty or function by the Commissioner.

(4) The exercise or performance by an Examiner of Titles of any power, duty or function delegated to him under this section is sufficient evidence of his authority to do so, and no person shall be concerned to inquire as to that authority or be affected by any notice in relation thereto.

(5) An Examiner of Titles is subject in all matters arising out of a delegation to him under this section to the direction and control of the Commissioner.

”.

**Section 9 amended**

**92.** Section 9 of the principal Act is amended by inserting after “(hereinafter called an Assistant Registrar)” the following —

“ and of any Examiner of Titles ”.

**Section 18 repealed, and transitional**

**93.** (1) Subject to subsection (2), section 18 of the principal Act is repealed.

(2) If the alienation of Crown land has resulted in the delivery of the grant in fee simple to the Registrar under section 18 of the principal Act, but the Registrar has not created and registered a certificate of title for the land under that section before the commencement of this section, that creation and registration may be completed as if that section had not been repealed.

**Section 19 repealed, and saving**

**94.** (1) Subject to subsection (2), section 19 of the principal Act is repealed.

(2) Section 19 of the principal Act continues to apply to each grant in fee to 2 or more persons in joint tenancy for any public purpose, which grant was in existence immediately before the repeal of that section, as if that section had not been repealed.

**Section 28 amended**

**95.** Section 28 of the principal Act is amended by inserting after “Crown grant” in both places where it occurs the following —

“ or certificate of title ”.

**Section 55 amended**

**96.** Section 55 (1) of the principal Act is amended by inserting after “the original Crown grant” the following —

“  
or contained or referred to in the transfer, or the ministerial order for the conveyance, of the relevant Crown land into the fee simple  
”.

**Section 58 amended**

**97.** Section 58 of the principal Act is amended by inserting —

(a) before “; but upon such registration” the following —

“  
or to make any dealing in respect of Crown land effective, as the case requires  
”;

and



(c) “(if any) contained in the grant thereof” the following —

“ or transfer of the fee simple or otherwise ”; and

(d) the existing section the following subsections —

“

(2) Notwithstanding the existence in any other person of any interest in Crown land which but for this Act might be held to be paramount or to have priority, the holder of an interest in Crown land shall, except in case of fraud, hold that interest —

(a) subject to such encumbrances as may be notified on the registered certificate of Crown land title for the Crown land; but

(b) absolutely free from all other encumbrances whatsoever, except —

(i) the interest of a proprietor claiming the same Crown land under a prior registered certificate of Crown land title; and

(ii) as regards any portion of Crown land that may by wrong description of parcels or boundaries be

included in the certificate of Crown land title or other instrument evidencing the Crown title of that proprietor, not being a purchaser for valuable consideration or deriving from or through such a purchaser.

(3) Notwithstanding subsection (2), the Crown land included in any registered certificate of Crown land title, registered qualified certificate of Crown land title or registered instrument shall be deemed to be subject to —

- (a) any reservation, exception, condition, covenant or power to which the relevant interest in Crown land is subject;
  - (b) any public right of way;
  - (c) any easement subsisting over or upon or affecting that Crown land;
  - (d) any unpaid rates;
  - (e) any mining tenement within the meaning of the *Mining Act 1978*;
- and

- (f) any prior unregistered lease or agreement for lease or for letting for a term not exceeding 5 years to a tenant in actual possession,

even if it is, or they are, not specially notified as an encumbrance on that certificate of Crown land title or instrument, but no option of purchase or renewal of any lease or agreement referred to in paragraph (f) shall be valid as against a subsequent registered interest unless that lease or agreement is registered or protected by a caveat.

(4) In subsections (2) and (3), a reference to a certificate of Crown land title or registered instrument does not include a reference to a qualified certificate of Crown land title.

”.

**Section 73 repealed**

**100.** Section 73 of the principal Act is repealed.

**Section 75 amended**

**101.** Section 75 of the principal Act is amended by inserting after subsection (3) the following subsections —

“

(4) When a duplicate Crown lease is replaced under subsection (1), the Registrar shall, in cancelling that Crown lease under that subsection, endorse the relevant certificate of Crown land title or qualified certificate of Crown land title, as the case requires, with all the particulars of, or endorsed on, that Crown lease.

(5) In this section, a reference to a Crown lease includes a reference to a Crown land lease issued by the Minister for Lands.

”.

### **Section 81 amended**

**102.** Section 81 of the principal Act is amended by —

(a) inserting after “remainder or reversion” the following —

“

, the holder of an interest in Crown land or the holder of a power conferred on a management body

”;

and

(b) deleting “transferring or creating such an estate” and substituting the following —

“

transferring, creating or giving effect to such an estate, interest or power

”.

### **Section 81A amended**

**103.** Section 81A of the principal Act is amended —

(a) in subsection (1) by deleting “Every” and substituting the following —

“ Subject to subsection (3), every ”; and

(b) by inserting after subsection (2) the following subsection —

“  
(3) No Crown lease shall be issued after the commencement of the *Acts Amendment (Land Administration) Act 1997*.  
”.

**Part IIIB inserted, and validation**

**104.** (1) The principal Act is amended by inserting after Part IIIA the following Part —

“

**PART IIIB — REGISTRATION AND  
RECORDING IN RELATION TO CROWN LAND**

***Division 1 — General***

**Application of Part IIIB**

**81J.** This Part applies solely to Crown land.

**Interpretation in Part IIIB**

**81K.** In this Part, unless the contrary intention appears —

“**approved form**” means form approved under section 278 of the *Land Administration Act 1997*;

“**Commissioner**” means Commissioner of Titles referred to in section 5 or Deputy Commissioner of Titles referred to in section 6;

“**management order**” has the same meaning as it has in the *Land Administration Act 1997*;

“**transitional period**” has the same meaning as it has in the *Land Administration Act 1997*;

“**repealed Act**” has the same meaning as it has in the *Land Administration Act 1997*.

**Creation and registration of certificates of Crown land title and qualified certificates of Crown land title**

**81L.** On receiving from the Minister for Lands an application requesting him to do so in respect of a parcel of Crown land, the Registrar shall create and register a certificate of Crown land title or a qualified certificate of Crown land title in an approved form for that parcel and may endorse on the certificate of Crown land title or qualified certificate of Crown land title such particulars of any dealing as he considers appropriate.

**Lodging, etc. of management orders**

**81M.** (1) An instrument which is a management order within the meaning of the *Land Administration Act 1997* may be lodged with the Registrar in duplicate.

(2) The Registrar shall, when he has registered a management order in duplicate, forward the duplicate copy of the management order to the management body to which the management order relates.

### **Crown surveys**

**81N.** Crown surveys required for the purposes of this Part shall comply in all respects with current Rules and Regulations made under section 16.

### **No duplicate certificates of Crown land title or duplicate qualified certificates of Crown land title to be issued**

**81O.** The Registrar shall not issue duplicate certificates of Crown land title or duplicate qualified certificates of Crown land title.

### **Endorsements on certificates of Crown land title and qualified certificates of Crown land title**

**81P.** (1) The Registrar shall endorse on each certificate of Crown land title or qualified certificate of Crown land title the particulars of all dealings and matters affecting the Crown land that is the subject of a certificate of Crown land title or qualified certificate of Crown land title when those particulars are required by this Act or the *Land Administration Act 1997* to be registered or recorded in the Register.

(2) Any endorsement under subsection (1) of a certificate of Crown land title shall be made in such manner as preserves the priorities of those dealings or matters.

### **Leases and subleases of Crown land**

**81Q.** (1) The Registrar may register on a certificate of Crown land title or qualified certificate of Crown land title a lease or sublease of Crown land for a term of 12 months or more.

(2) If the fee simple in Crown land in respect of which a lease or sublease is registered under subsection (1) is transferred under the *Land Administration Act 1997* and a certificate of title is created and registered in respect of that Crown land —

- (a) the lease or sublease continues to be registered in respect of the relevant freehold land, until the lease or sublease terminates according to law, as if it had been registered in respect of that freehold land; and
- (b) any encumbrance registered in respect of the lease or sublease before that transfer continues to be registered in respect of the relevant freehold land until that encumbrance is terminated, discharged or surrendered or expires.

(3) The Registrar may register any variation of the provisions of a registered lease or sublease effected under the *Land Administration Act 1997*.

### **Registration of profits à prendre**

**81R.** (1) The Registrar may register on a certificate of Crown land title or qualified certificate of Crown land title a profit à prendre granted under section 91 (1) of the *Land Administration Act 1997* in respect of Crown land.

(2) The Registrar may, while a profit à prendre is registered under subsection (1), register any dealing or record any caveat in respect of the profit à prendre.

(3) If the fee simple in Crown land in respect of which a profit à prendre is registered under subsection (1) is transferred under the *Land Administration Act 1997* and a certificate of title is created and registered in respect of that Crown land, the profit à prendre continues to be registered in respect of the relevant land until it is terminated or surrendered or expires.

**Prerequisites to registration of dealings in respect of Crown land**

**81S.** (1) When a dealing in respect of Crown land is received by the Commissioner or the Registrar for registration, the Commissioner or the Registrar shall satisfy himself that the permission of the Minister for Lands has been obtained in respect of that dealing.

(2) The Registrar shall not, unless he is satisfied that the provisions of —

- (a) sections 42 and 43 of the *Land Administration Act 1997* have been complied with, register any dealing, other than a dealing referred to in paragraph (b), in respect of a class A reserve;
- (b) section 44 of the *Land Administration Act 1997* have been complied with, register the granting or creation of an easement in respect of a class A reserve; or
- (c) section 45 of the *Land Administration Act 1997* have been complied with, register any dealing in respect of land reserved under section 41 of that Act for the purpose of a national park, conservation park or class A nature reserve.



(2) Subject to section 68, an action of ejectment or other action for the recovery of any Crown land does not lie, and is not sustainable, against the management body of a reserve or mall reserve except in the case of —

- (a) the Minister for Lands exercising the power conferred by section 50 (1) or (2) or 62 (3) (a) of the *Land Administration Act 1997*; or
- (b) an acquiring authority exercising the power conferred by section 161 (1) (c) of the *Land Administration Act 1997*,

as against that management body.

(3) Subject to section 68, an action of ejectment or other action for the recovery of a Crown lease or other lease of Crown land does not lie, and is not sustainable, against the person registered as the proprietor of that Crown lease or other lease under this Act except in the case of —

- (a) the Minister for Lands extinguishing that Crown lease or other lease under section 10 (4) of the *Land Administration Act 1997*;
- (b) the Minister for Lands extinguishing that Crown lease or other lease under section 27 (4) of the *Land Administration Act 1997*;
- (c) the Minister for Lands causing the forfeiture of that Crown lease or other lease under section 35 of the *Land Administration Act 1997* in respect of the breach of a condition or covenant;

- (d) the Minister for Lands accepting the surrender of that Crown lease or other lease under section 81 (1) of the *Land Administration Act 1997*;
- (e) an acquiring authority taking that Crown lease or other lease under Part 9 of the *Land Administration Act 1997*;
- (f) the purchaser of that Crown lease or other lease under section 261 (1) of the *Land Administration Act 1997*; or
- (g) the Minister for Lands acting under section 270 of the *Land Administration Act 1997*,

as against that person.

### ***Division 2 — Transitional***

#### **Registrar may accept for registration signed and stamped duplicate original documents**

**81U.** (1) The Registrar may accept for registration under this Division not only signed original documents stamped as original documents, but also, in the absence of such original documents, signed duplicate original documents stamped as duplicate original documents before the commencement of the *Acts Amendment (Land Administration) Act 1997*.

(2) A duplicate original document accepted for registration under subsection (1) is to be treated, when registered, as if it were the original document.

(3) In subsection (1) —

“**stamped**” has the same meaning as it has in the *Stamp Act 1921*.

**Minister for Lands may apply to Registrar for certificates of Crown land title, qualified certificates of Crown land title, etc.**

**81V.** (1) The Minister for Lands may at any time apply, whether on behalf of another person or on his own initiative, to the Registrar for —

- (a) the cancellation of a qualified certificate of Crown land title in respect of a parcel of Crown land and its replacement with a certificate of Crown land title created and registered in respect of that parcel; or
- (b) the creation and registration of a certificate of Crown land title or qualified certificate of Crown land title.

(2) If the Registrar —

- (a) is satisfied in respect of an application made under subsection (1) that any interests in, or caveats or dealings in respect of, the relevant Crown land are clearly identified and that there is, in the case of 2 or more such interests or caveats, no dispute concerning the respective priorities of those interests or caveats, the Registrar shall grant that application; or
- (b) is not so satisfied, the Registrar may refuse that application or refer it to the Commissioner.

**Procedure when applications referred to Commissioner**

**81W.** (1) Subject to this section, when an application is referred to the Commissioner under section 81V (2) (b), the Commissioner may, if —

- (a) he is satisfied in respect of the application that any interests in, or caveats or dealings in respect of, the relevant Crown land are clearly identified and that there is, in the case of 2 or more such interests or caveats, no dispute concerning the respective priorities of those interests or caveats, cause notice of that application to be —
  - (i) advertised at least once in a newspaper circulating throughout the State or in the local government district where that Crown land is situated; or
  - (ii) served on any persons named by him,  
or both; or
- (b) he is not so satisfied —
  - (i) refuse that application; or
  - (ii) in the case of an application for the creation and registration of a certificate of Crown land title, direct the Registrar to create and register a qualified certificate of Crown land title in respect of the relevant Crown land.

(2) Without limiting the generality of subsection (1) —

- (a) the Commissioner may be satisfied in respect of an application for the purposes of that subsection if he accepts as evidence recitals, statements and descriptions of facts, matters and parties in deeds, instruments, dealings, Acts and statutory declarations, the date shown as that of the execution, signature, passing or making of which precedes the date of making of the application by at least 12 years; and
- (b) any person on whose behalf the application was made shall not be required to negative, except in relation to the knowledge, information and belief of himself and his agents, the existence of any unregistered conveyances, assurances or other dealings affecting any part of the Crown land the subject of the application.

(3) The cost of any advertisement or service of notice under subsection (1) is to be paid to the Registrar before the publication of the relevant advertisement or the effecting of the relevant service.

(4) If —

- (a) the Commissioner is satisfied in respect of the matters referred to in subsection (1) (a);
- (b) the Minister for Lands has, before making the relevant application under section 81V (1), advertised under clause 45 (3) of Schedule 2 to the *Land Administration Act 1997* in connection with the matter the subject of that application; and

- (c) the Commissioner is in consequence satisfied that there is no need to cause notice of that application to be advertised or served under subsection (1) (a),

the Commissioner shall, unless a caveat is in force under this Division forbidding him to do so or he is restrained from doing so by an order made under section 81X (3), direct the Registrar to grant that application.

(5) The Commissioner shall, if he causes notice of an application to be —

- (a) advertised under subsection (1) (a), fix a period of not less than 14 days, and not more than 12 months, from the date of —

- (i) that advertisement; or
- (ii) if there is more than one such advertisement, the later or last such advertisement;

- (b) served under subsection (1) (a), fix a period of not less than 14 days, and not more than 12 months, from the date of —

- (i) that service; or
- (ii) if there is more than one such service, the later or last such service;

or

- (c) both advertised and served under subsection (1) (a), fix a period which is the later of the periods capable of being fixed under paragraphs (a) and (b),

on or after the expiry of which period the Commissioner shall, unless a caveat is in force under

this Division forbidding him to do so or he is restrained from doing so by an order made under section 81X (3), direct the Registrar to grant the application.

(6) Any person claiming an interest in Crown land the subject of an application referred to the Commissioner under section 81V (2) (b) may before the creation and registration of a certificate of Crown land title or qualified certificate of Crown land title in respect of that Crown land sign and lodge with the Registrar a caveat in an approved form forbidding the grant of that application.

(7) The Registrar may by notice served on a caveator acting under subsection (6) require that caveator to support the caveat by lodging with the Registrar within a period of 7 days from that service —

- (a) a statutory declaration stating the nature of the interest in Crown land under which the relevant claim is made; and
- (b) a perfect abstract of the title to that interest.

(8) If the statutory declaration and abstract supporting a caveat are not lodged within the period referred to in subsection (7), the caveat lapses.

(9) A caveat cannot be lodged under subsection (6) unless it contains an address, or a number for a facsimile machine, in Australia for the service of notices in relation to the caveat.

**Procedure on lodging of caveats, etc.**

**81X.** (1) When a caveat is lodged with the Registrar under section 81W (6), the Registrar shall forthwith notify the Commissioner and the Minister for Lands.

(2) On being notified under subsection (1) —

- (a) the Commissioner shall not direct the Registrar to grant the relevant application until the caveat has been withdrawn or has lapsed or an order setting aside the caveat has been made under subsection (3); and
- (b) the applicant may, if he so wishes, summon the caveator to attend before the Supreme Court or a Judge to show cause why the caveat should not be set aside.

(3) The Supreme Court or a Judge may, on proof that the caveator has been summoned under subsection (2), make such order, whether *ex parte* or otherwise, in respect of the caveat as the Supreme Court or Judge thinks fit.

(4) A caveat shall lapse on the expiry of one month from the date on which it was lodged under section 81W (6), unless the caveator before that expiry —

- (a) takes proceedings in a court of competent jurisdiction to establish his claim to the interest specified in the caveat and gives notice of that taking to the Registrar; or
- (b) obtains and serves on the Registrar an order of the Supreme Court or a Judge restraining the Commissioner from making a direction under section 81W (4) or (5).

(5) A caveat shall not be renewed by or on behalf of the same person in respect of the same interest.

**Action to be taken by Registrar in consequence of granting applications made under section 81V (1) (a)**

**81Y.** (1) When the Registrar grants an application made under section 81V (1) (a), whether under section 81V (2) (a) or under a direction made under section 81W (4) or (5), the Registrar shall —

- (a) create a certificate of Crown land title in an approved form in respect of the parcel of Crown land referred to in the qualified certificate of Crown land title cancelled as a result of the granting of that application; and
- (b) endorse on the certificate of Crown land title in correct order of priority particulars of the interests, caveats and dealings —
  - (i) set out in that qualified certificate of Crown land title; or
  - (ii) specified in information provided in compliance with a requirement made under clause 45 (2) of Schedule 2 to the *Land Administration Act 1997*,

or both, as the case requires, together with a memorandum of any reservation or vesting made under the repealed Act and affecting that parcel.

(2) After complying with subsection (1), the Registrar shall register the certificate of Crown land title referred to in that subsection.

**Action to be taken by Registrar in consequence of granting applications made under section 81V (1) (b)**

**81Z.** (1) When the Registrar grants an application made under 81V (1) (b), whether under section 81V (2) (a) or under a direction made under section 81W (1) (b), (4) or (5), the Registrar shall —

- (a) create a certificate of Crown land title or a qualified certificate of Crown land title in an approved form for the parcel of Crown land referred to; and
- (b) endorse on —
  - (i) the certificate of Crown land title in correct order of priority; or
  - (ii) the qualified certificate of Crown land title,

particulars of the interests, caveats and dealings specified,

in that application.

(2) After complying with subsection (1), the Registrar shall register the certificate of Crown land title or qualified certificate of Crown land title referred to in that subsection.

**Procedure for registration of interests for which no certificate of Crown land title or qualified certificate of Crown land title exists**

**81ZA.** (1) Subject to section 20 (2) of the *Land Administration Act 1997*, a person claiming an

interest in a parcel of Crown land in respect of which —

- (a) no certificate of Crown land title has been created and registered; and
- (b) no qualified certificate of Crown land title exists,

may lodge with the Registrar for registration or recording a dealing evidencing, or a caveat claiming, that interest.

(2) On receiving a dealing or caveat lodged with him under subsection (1), the Registrar shall refer that dealing or caveat to the Minister for Lands.

(3) When a dealing or caveat is referred to him under subsection (2), the Minister for Lands shall —

- (a) if he is satisfied that any interests in, or caveats or dealings in respect of, the relevant parcel of Crown land are clearly identified and that there is, in the case of 2 or more such interests or caveats, no dispute concerning the respective priorities of those interests or caveats, apply to the Registrar for the creation and registration of a certificate of Crown land title; or
- (b) if he is not so satisfied, apply to the Registrar for the creation and registration of a qualified certificate of Crown land title,

in respect of that parcel.

**Matters relating to qualified certificates of Crown land title**

**81ZB.** (1) A person is not entitled to recover any compensation or damages from the State, the Minister for Lands, the Commissioner, the Registrar or any Examiner of Titles or other officer as a result of any loss or damage suffered as a result of —

- (a) any error in; or
- (b) anything that the Minister for Lands, the Commissioner, the Registrar or any Examiner of Titles or other officer has or has not, in good faith, done to or in relation to,

a qualified certificate of Crown land title.

(2) Nothing in subsection (1) affects the validity of anything lawfully done under the repealed Act.

- (3) The Registrar may —
  - (a) register any additional interests or dealings in, or record any additional caveats in respect of, Crown land on a qualified certificate of Crown land title; and
  - (b) if so directed by the Commissioner, make any necessary corrections to the particulars recorded on a qualified certificate of Crown land title.

**Interests in Crown land not registered within transitional period void as against registered interests in Crown land, etc.**

**81ZC.** (1) A person who has a document evidencing an interest in Crown land granted, disposed of or entered into under the repealed Act, or under another written law before the repeal of the repealed Act, may, within the transitional period, lodge —

- (a) that document; or
- (b) a caveat in respect of that interest,

with the Registrar for registration or recording.

(2) An interest —

- (a) to which subsection (1) applies; and
- (b) in respect of which a document or caveat is not registered or recorded within the transitional period,

is void as against —

- (c) an interest which has been so registered;
- (d) a caveat which has been so recorded; or
- (e) an interest which has been registered or a caveat which has been recorded —
  - (i) after the repeal of the repealed Act;

and

- (ii) before a document or caveat is registered or recorded in respect of the first-mentioned interest,

in relation to the same parcel of Crown land to the extent of any inconsistency between the first-mentioned interest and an interest or caveat referred to in paragraph (c), (d) or (e).

(3) Nothing in this section prevents the registration of an interest, or the recording of a caveat, referred to in subsection (1) after the expiry of the transitional period.

**Registrar may convert Crown leases into leases registered under section 81Q**

**81ZD.** (1) The Registrar may, when a dealing is lodged with him in respect of a Crown lease, treat the Crown lease as if it were a lease registered under section 81Q on the relevant certificate of Crown land title, and may alter the Register and take such other steps as are necessary for that purpose.

(2) Apart from being treated as if it were a lease registered under section 81Q, a Crown lease referred to in subsection (1) continues to have effect until it terminates according to law.

”.

(2) A lease of Crown land (not being a Crown lease) granted before the commencement of this section, which lease would have been valid had it been granted as a lease under the *Land Administration Act 1997*, is validated by force of this subsection and is to be treated as if it were a lease registered under section 81Q of the principal Act as amended by this Act.

**Section 89 amended**

**105.** Section 89 of the principal Act is amended by deleting “or leasehold” and substituting the following —

“ , leasehold or Crown land ”.

**Section 99 amended**

**106.** Section 99 of the principal Act is amended by deleting “The proprietor” and substituting the following —

“ Subject to section 81Q, the proprietor ”.

**Section 104 amended**

**107.** Section 104 of the principal Act is amended by inserting after —

(a) “**104.**” the following —

“ (1) ”;

(b) “the Commissioner may” the following —

“ , subject to subsection (2), ”;

and

(c) the existing section the following subsection —

“

(2) The Commissioner shall not make a direction under subsection (1) in relation to a Crown lease or other lease or sub-lease of Crown land without the prior permission of the Minister for Lands.

”.

**Section 106 amended**

**108.** Section 106 (1) of the principal Act is amended by deleting “A mortgage and a charge” and substituting the following —

“

Subject to Division 2 of Part 6 of the *Land Administration Act 1997* in the case of conditional tenure land, a mortgage and a charge

”.

**Section 107 amended**

**109.** Section 107 of the principal Act is amended by deleting “Where money secured” and substituting the following —

“

Subject to Division 2 of Part 6 of the *Land Administration Act 1997* in the case of conditional tenure land, when money secured

”.

**Section 108 amended**

**110.** Section 108 of the principal Act is amended by deleting “If such default” and substituting the following —

“

Subject to Division 2 of Part 6 of the *Land Administration Act 1997* in the case of conditional tenure land, if such default

”.

**Section 109 amended**

**111.** Section 109 of the principal Act is amended by inserting after —

(a) “**109.**” the following —

“ (1) ”; and

(b) the existing section the following subsection —

“

(2) This section does not apply to the application of the proceeds of a sale by a mortgagee in accordance with section 77 of the *Land Administration Act 1997*.

”.

**Section 110 amended**

**112.** Section 110 of the principal Act is amended by deleting “Upon” and substituting the following —

“

Subject to section 15 (10) of the *Land Administration Act 1997*, upon

”.

**Section 129C amended**

**113.** Section 129C (1) of the principal Act is amended by inserting after subsection (8) the following subsection —

“

(9) This section does not apply to easements granted under section 144 of the *Land Administration Act 1997*.

”.

**Section 134 amended**

**114.** Section 134 of the principal Act is amended by deleting “Except in the case of fraud no person” and substituting the following —

“

Except in the case of —

(a) fraud; or

(b) Crown land the subject of a qualified certificate of Crown land title,

no person

”.

**Section 136A amended**

**115.** Section 136A (a) of the principal Act is amended by inserting after “166” the following —

“ or 166A ”.

**Section 136K amended**

**116.** Section 136K of the principal Act is amended by inserting after subsection (2) the following subsections —

“

(3) Subject to subsection (4) and to section 20 of the *Land Administration Act 1997*, this Part applies to caveats in respect of Crown land.

(4) Neither the second and third sentences of section 138, nor the whole of section 141A, apply or applies to caveats lodged under section 21 of the *Land Administration Act 1997*.

”.

**Section 143 amended**

**117.** Section 143 of the principal Act is amended by repealing subsection (4) and substituting the following subsections —

“

(4) Nothing contained in this Act or in any other written law precludes the Registrar from requiring evidence to his satisfaction that a power of attorney is not revoked.

- (5) Subject to any other written law —
- (a) the holder of an interest in Crown land may appoint a person to act for him in dealing with that interest; or
  - (b) the management body of a reserve may appoint a person to act for it in dealing with Crown land within that reserve,

and shall, if he or it does so, file the necessary power of attorney under this section.

”.

**Section 145 amended**

**118.** Section 145 (2) of the principal Act is amended by inserting after “If Her Majesty” the following —

“ or the State ”.

**Section 151 amended**

**119.** Section 151 of the principal Act is amended by —

- (a) inserting after “granted” the following —  
“ , transferred in fee simple ”;
- (b) inserting after “Crown grant” the following —  
“ or certificate of title ”; and
- (c) deleting “or grantee” and substituting the following —  
“ , grantee or transferee ”.

**Section 152 amended**

**120.** Section 152 of the principal Act is amended by —

(a) inserting after “Every Crown grant” the following —

“ or transfer of Crown land in fee simple ”;

and

(b) deleting “in such grant or lease” and substituting the following —

“  
in such grant or in the relevant certificate  
of title  
”.

**Section 153 amended**

**121.** Section 153 of the principal Act is amended by inserting after —

(a) “; and every Crown grant” the following —

“ or transfer of Crown land in fee simple ”;

and

(b) “to be a grant” the following —

“ or transfer ”.

**Section 153A amended**

**122.** Section 153A of the principal Act is amended by —

(a) inserting after “not included in the grant” the following —

“ or transfer ”;

(b) deleting “Governor” and substituting the following —

“ Minister ”; and

(c) inserting after “been included in the grant” the following —

“ or transfer ”.

**Section 166 amended**

**123.** Section 166 of the principal Act is amended by inserting after subsection (5) the following subsection —

“

(6) References in this section to —

(a) plans or diagrams include references to plans of survey of Crown land; and

(b) certificates of title include references to certificates of Crown land title as they apply to plans of survey of Crown land.

”.

**Sections 166A and 166B inserted**

**124.** Part VIII of the principal Act is amended by inserting after section 166 the following sections —

“

**Sketch plans in respect of subdivision of Crown land**

**166A.** (1) The Minister for Lands may, if he wishes to subdivide Crown land at the request of the proprietor of that Crown land or on his own initiative, apply in an approved form, on payment of the prescribed fee, if any, payable by the Minister for Lands and on furnishing a sketch plan in an approved form of that Crown land, to the Registrar for the creation and registration of new certificates of Crown land title or qualified certificates of Crown land title for that Crown land, and that application shall be made in relation to that sketch plan.

(2) On an application under subsection (1) but subject to subsection (4) and Part IVA, the Registrar may create and register new certificates of Crown land title or qualified certificates of Crown land title for the Crown land the subject of the application.

(3) For the purposes of subsection (2), the Registrar may have regard to a request of the Minister for Lands in relation to when the new certificates of Crown land title or qualified certificates of Crown land title are to be created and registered.

(4) When a portion only of the Crown land comprised in a certificate of Crown land title or qualified certificate of Crown land title is to be subdivided under this section, the Registrar may cancel the existing certificate of Crown land title or qualified certificate of Crown land title to the extent of that portion and create and register new certificates of Crown land title or qualified certificates of Crown land title for that portion.

**Sketch plans of internal interests**

**166B.** (1) The Minister for Lands may, if he wishes a subsidiary certificate of Crown land title to be created and registered in respect of one or more interests in Crown land the subject of a lease or reserve, prepare a sketch plan in an approved form showing those interests and lodge that sketch plan, together with an application for the creation and registration of the subsidiary certificate of Crown land title, with the Registrar.

(2) On receiving a sketch plan and application lodged under subsection (1), the Registrar may create and register a subsidiary certificate of Crown land title in respect of the relevant interests.

(3) For the purposes of subsection (2), the Registrar may have regard to a request of the Minister for Lands relating to the time when the subsidiary certificate of Crown land title is to be created and registered.

”.

**Section 167 amended**

**125.** Section 167 of the principal Act is amended by inserting after —

(a) “section 166” the following —

“ or 166A ”; and

(b) “plan of subdivision” in both places where it occurs the following —

“ or sketch plan ”.

**Section 169A inserted**

**126.** Part IX of the principal Act is amended by inserting before section 170 the following section —

“

**Only Minister for Lands may alter areas, boundaries or positions of parcels of Crown land**

**169A.** Nothing in this Part enables any person, other than the Minister for Lands acting under the *Land Administration Act 1997*, to cause the alteration of the area, boundaries or position of a parcel of Crown land.

”.

**Section 196 amended**

**127.** Section 196 of the principal Act is amended by inserting after —

(a) “**196.**” the following —

“ (1) ”;

(b) “grants from the Crown” the following —

“ or transfers of Crown land in fee simple ”;

and

(c) the existing section the following subsection —

“

(2) The State shall not be liable for compensation for any loss, damage or deprivation occasioned by any error in —

(a) the description of the area, boundaries or position of a

parcel of Crown land to which a certificate of Crown land title endorsed with the words "Subject to survey" relates;

- (b) a qualified certificate of Crown land title;
- (c) a document accepted for recording or registration in respect of a qualified certificate of Crown land title; or
- (d) the order of priority of a document recorded or registered in respect of a qualified certificate of Crown land title.

”.

**Section 199 amended**

**128.** Section 199 of the principal Act is amended by deleting “the provisions of section sixty-eight of this Act” and substituting the following —

“ sections 68 and 81T ”.

**Section 214 amended**

**129.** Section 214 of the principal Act is amended by inserting after —

- (a) “**214.**” the following —

“ (1) ”; and

(b) the existing section the following subsection —

“  
(2) Section 51 of the *Justices Act 1902* does not apply to any offence under subsection (1) in respect of the registration of any dealing in Crown land.  
”.

**Section 229A amended**

**130.** Section 229A (5) of the principal Act is amended by inserting after “Part IVA” the following —

“  
or granted under section 144 of the *Land Administration Act 1997*  
”.

**Section 229B amended**

**131.** Section 229B of the principal Act is amended by inserting after subsection (3) the following subsection —

“  
(4) This section does not apply to any easement granted under section 144 of the *Land Administration Act 1997*.  
”.

**Section 243 repealed and section 243 substituted**

**132.** Section 243 of the principal Act is repealed and the following section is substituted —

“  
**Revesting of land held by Crown in fee simple as Crown land**  
**243.** (1) The Registrar may, on registering a ministerial order made under section 82 of the *Land Administration Act 1997* —  
(a) cancel the certificate of title of the land revested;

- (b) by notice in writing served on the person having possession of the duplicate of that certificate of title, require that person to deliver up that duplicate to the Registrar; and
- (c) cancel that duplicate.

(2) If a person does not comply with a requisition made against him under subsection (1) (b) within 30 days after the service on him of the relevant notice, the Registrar may act against the person under section 76 (1) as if that requisition were a requisition made against the person under that section and section 76 (2) applies accordingly.

”.

### **Nineteenth Schedule amended**

**133.** The Nineteenth Schedule to the principal Act is amended by —

- (a) inserting after “whether extended or not or charges” the following —  
“ or interests in land ”;
- (b) deleting “Also to purchase land.” and substituting the following —  
“ Also to purchase land and interests in land. ”;
- (c) inserting after “all or any such lands or leases” the following —  
“ or interests ”; and
- (d) inserting before “freehold tenure” the following —  
“ Crown or ”.

**PART 61 — UNITING CHURCH IN AUSTRALIA ACT 1976**

***Uniting Church in Australia Act 1976 amended***

**134.** (1) Section 23 (3) of the *Uniting Church in Australia Act 1976*\* is amended by deleting “, the *Land Act 1933*”.

(2) Section 32 (2) is amended by deleting “, the *Land Act 1933*”.

[\* *Act No. 139 of 1976.*

*For subsequent amendments see 1995 Index to  
Legislation of Western Australia, Table 1, p. 229.]*

**PART 62 — VALUATION OF LAND ACT 1978**

***Valuation of Land Act 1978* amended**

**135.** (1) Section 4 (1) of the *Valuation of Land Act 1978*\* is amended in the definition of “townsite” by deleting paragraph (iii), and “and” after that paragraph, and substituting the following —

“  
    (iii) any land that is currently a townsite within the meaning of the *Land Administration Act 1997* or any Act repealed thereby; and  
”.

(2) Section 4 (1) is further amended in paragraph (b) (i) (I) of the definition of “unimproved value” by deleting “*Land Act 1933*” and substituting the following —

“  
    *Land Administration Act 1997*, or any Act repealed thereby,  
”.

[\* *Reprinted as at 23 April 1996.*  
*For subsequent amendments see Acts Nos. 14, 77 and 81 of 1996.*]



**PART 64 — WATER AGENCIES (POWERS) ACT 1984**

***Water Agencies (Powers) Act 1984* amended**

**137.** (1) Section 8 (3) of the *Water Agencies (Powers) Act 1984\** is amended by deleting “, the Registrar of Deeds, or the Minister for the time being administering the *Land Act 1933*” and substituting the following —

“ or the Registrar of Deeds ”.

(2) Section 62 (2) is amended by deleting “the *Public Works Act 1902*,” and substituting the following —

“ Part 10 of the *Land Administration Act 1997*, ”.

(3) Section 70 (3) is amended —

(a) in paragraph (b), by deleting “or resume”; and

(b) in paragraph (c), by deleting “section 25 of the *Public Works Act 1902*.” and substituting the following —

“  
section 176 of the *Land Administration Act 1997*.  
”.

(4) Section 71 (2) is amended by deleting “section 17, 82, 83A, 112 or 112A of the *Public Works Act 1902*” and substituting the following —

“  
Subdivision 2 of Division 3, or Division 4, of Part 9 of the *Land Administration Act 1997* or section 82 or 83A of the *Public Works Act 1902*  
”.

(5) Section 72 (5) is amended by deleting “or resumption of any land under Part II of the *Public Works Act 1902*” and substituting the following —

“  
of any land under Part 9 of the *Land Administration Act 1997*  
”.

(6) Section 74 is amended by deleting “*Public Works Act 1902*” and substituting the following —

“ *Land Administration Act 1997* ”.

(7) Section 75 (1) is amended by deleting “or resumption pursuant to the *Public Works Act 1902*,” and substituting the following —

“ under Part 9 of the *Land Administration Act 1997*, ”.

(8) Section 77 (2) is amended by deleting “section 29 of the *Public Works Act 1902*” and substituting the following —

“  
Division 5 of Part 9 of the *Land Administration Act 1997*  
”.

(9) Section 78 (2) is amended by deleting “or compulsory resumption for any public work, sections 29, 29A and 29B of the *Public Works Act 1902*” and substituting the following —

“  
for any public work, sections 187, 188, 189, 190,  
and 191 of the *Land Administration Act 1997*  
”.

(10) Section 81 (3) (b) is amended by deleting “the *Public Works Act 1902*,” and substituting the following —

“ Part 10 of the *Land Administration Act 1997*, ”.

(11) Section 81 (5) is amended by deleting “the *Public Works Act 1902*” and substituting the following —

“ Parts 9 and 10 of the *Land Administration Act 1997* ”.

(12) Section 81 (8) and (9) are repealed and the following subsections are substituted —

“

(8) For the purposes of this Act or a relevant Act, where the Commission or the Corporation so requires the Commission or the Corporation may exercise any power that is by the *Public Works Act 1902* or Parts 9 and 10 of the *Land Administration Act 1997* vested in the relevant Minister and in so far as that Act applies, or those Parts apply, to or in relation to the compulsory taking of any land, or the entry on, occupation or use of any land, pursuant to this Act or a relevant Act any reference in that Act or those Parts to the relevant Minister, or to the department of the Public Service principally assisting the relevant Minister in the administration of that Act or those Parts, may be read for the purposes of this Act or a relevant Act as a reference to the Commission or the Corporation and that Act or those Parts may be construed accordingly.

(9) Subsection (8) does not prevent the relevant Minister from exercising the relevant Minister’s powers under the *Public Works Act 1902* or Parts 9 and 10 of the *Land Administration Act 1997* on behalf of the Commission or the Corporation when requested by the Commission or the Corporation to do so.

”.

(13) Section 81 (10) is amended by deleting “the *Public Works Act 1902*” and substituting the following —

“ Part 10 of the *Land Administration Act 1997* ”.

(14) Section 81 (11) is amended —

(a) by deleting “subparagraph (i) of section 17 (2) (d) of the *Public Works Act 1902*” and substituting the following —

“ section 175 of the *Land Administration Act 1997* ”;

and

(b) by deleting “or resumption” in both places where it occurs.

(15) Section 81 (12) is amended —

(a) by deleting “pursuant to the *Public Works Act 1902*” and substituting the following —

“ under Part 9 of the *Land Administration Act 1997* ”;

(b) by deleting “upon publication in the *Government Gazette* of the notice referred to in subsection (1) of section 17 of the *Public Works Act 1902*, be vested in the Commission or the Corporation for the public work specified in that notice, by force of section 18 of that Act as read with this subsection, save that the Governor may, by that notice,” and substituting the following —

“ on the registration of the relevant taking order made under section 177 of that Act,

be vested in the Commission or the Corporation for the purpose of the public work for which the land is acquired, by force of section 179 of that Act as read with this subsection, save that the Minister administering that Act may, by that taking order,

”;

and

- (c) by deleting “the Governor on further notice,” and substituting the following —

“

that Minister by a subsequent order under that Act,

”.

- (16) Section 81 (13) is amended —

- (a) by deleting “set apart, taken or resumed” and substituting the following —

“ taken ”;

- (b) by deleting “the *Public Works Act 1902* then notwithstanding section 18” and substituting the following —

“

Part 9 of the *Land Administration Act 1997*  
then notwithstanding section 179

”;

and

- (c) in paragraph (b), by deleting “section 34” and substituting the following —

“ section 202 ”.

(17) After section 81 (13) the following subsection is inserted —

“

(14) In subsections (8) and (9) —

“**relevant Minister**” means the Minister administering the *Public Works Act 1902* or Parts 9 and 10 of the *Land Administration Act 1997*, as the case requires.

”.

(18) Section 83 (2) (a) is amended —

(a) by deleting “94, 112 and 112A” and substituting the following —

“ and 94 ”;

(b) by inserting after “*Public Works Act 1902*” the following —

“

and Division 4 of Part 9 of the *Land Administration Act 1997*

”;

(c) in subparagraph (i), by inserting after “that Act” the following —

“ or that Part ”; and

(d) in subparagraph (ii), by inserting after “provisions of the” the following —

“ *Land Administration Act 1997* and the ”.

[\* Reprinted as at 30 April 1996.  
For subsequent amendments see Acts Nos. 78 of 1995  
and 12 and 14 of 1996.]

**PART 65 — WATER BOARDS ACT 1904**

***Water Boards Act 1904 amended***

**138.** Section 46 of the *Water Boards Act 1904*\* is amended in the proviso by deleting “the *Public Works Act 1902.*” and substituting the following —

“ Part 10 of the *Land Administration Act 1997.* ”.

[\* *Reprinted as at 4 November 1996.  
For subsequent amendments see 1995 Index to  
Legislation of Western Australia, Table 1, p. 235 and  
Acts Nos. 78 of 1995 and 12 and 14 of 1996.*]

**PART 66 — WATERWAYS CONSERVATION ACT 1976**

***Waterways Conservation Act 1976* amended**

**139.** (1) Section 32 (1) of the *Waterways Conservation Act 1976*\* is repealed and the following subsection is substituted —

“ (1) The Minister administering the *Land Administration Act 1997* may by order under Part 4 of that Act place with the Commission the care, control and management of any land reserved under that Part of that Act. ”.

(2) Section 32 (2) is amended —

(a) by deleting “Order in Council made under subsection (1) of this section the Governor may by that Order” and substituting the following —

“ order referred to in subsection (1) (“**the management order**”), the Minister referred to in that subsection may by the management order ”;

and

(b) by deleting “the Governor may by a subsequent Order in Council vary or cancel that Order” and substituting the following —

“ that Minister may by a subsequent order under Part 4 of that Act revoke the management order or vary anything to which the care, control and management of the land are made subject by the management order. ”.

[\* Reprinted as at 1 March 1996.  
For subsequent amendments see Acts Nos. 78 of 1995 and 14 of 1996.]

**PART 67 — WESTERN AUSTRALIAN LAND AUTHORITY  
ACT 1992**

**Western Australian Land Authority Act 1992 amended**

**140.** (1) Section 4 of the *Western Australian Land Authority Act 1992*\* is amended in the definition of “relevant official” —

(a) in paragraph (a), by inserting after “*Transfer of Land Act 1893*” the following —

“ or *Land Administration Act 1997* ”;

(b) by inserting after paragraph (a) the following —

“ or ”;

(c) by deleting “; or” at the end of paragraph (b) and substituting a full stop; and

(d) by deleting paragraph (c).

(2) Section 20 (1) is amended —

(a) by inserting after “purposes of” the following —

“  
Parts 9 and 10 of the *Land Administration Act 1997* and  
”;

(b) by deleting “and the Authority” and substituting the following —

“  
and, if necessary for any of those purposes,  
the Authority  
”;

and

- (c) by deleting “that Act.” and substituting the following —

“ the *Public Works Act 1902.* ”.

- (3) Section 20 (2) is amended —

- (a) by inserting after “applying” the following —

“  
Parts 9 and 10 of the *Land Administration Act 1997* and  
”;

- (b) in paragraph (a), by deleting “that Act” and substituting the following —

“ those Acts ”; and

- (c) in paragraph (b) —

- (i) by deleting “section 29 of that Act” and substituting the following —

“  
sections 187, 188, 189, 190, and 191  
of the *Land Administration Act 1997*  
”;

and

- (ii) by deleting “that Act” and substituting the following —

“ the *Public Works Act 1902* ”.

- (4) Section 20 (3) is amended by deleting “resume” and substituting the following —

“ take ”.

(5) Section 26 (3) is amended by deleting “, the *Registration of Deeds Act 1856* or the *Land Act 1933*” and substituting the following —

“ or the *Registration of Deeds Act 1856* ”.

(6) Section 42 (4) and (5) are repealed.

[\* *Act No. 35 of 1992.*

*For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 239 and Acts Nos. 14, 41, 49 and 81 of 1996.]*

**PART 68 — VARIOUS REFERENCES TO “*LAND ACT 1933*”, “*PUBLIC WORKS ACT 1902*”, AND  
“GOVERNOR” AMENDED**

**Various references to “*Land Act 1933*” amended**

**141.** The Acts set out in Column 1 of Schedule 1 are amended in the provision or provisions opposite them in Column 2 by deleting “*Land Act 1933*” and substituting the following —

“ *Land Administration Act 1997* ”.

**Various references to “the *Public Works Act 1902*” amended**

**142.** The Acts set out in Column 1 of Schedule 2 are amended in the provision or provisions opposite them in Column 2 by deleting “the *Public Works Act 1902*” and substituting the following —

“ Part 9 of the *Land Administration Act 1997* ”.

**Various references to “Governor” amended**

**143.** The Acts set out in Column 1 of Schedule 3 are amended in the provision of provisions opposite them in Column 2 by deleting “Governor” and substituting the following —

“  
Minister administering the *Land Administration Act 1997*  
”.

**SCHEDULE 1**

[Section 141]

**DELETION OF “LAND ACT 1933” AND SUBSTITUTION OF  
“LAND ADMINISTRATION ACT 1997”**

Column 1 <i>Short title of Act</i>	Column 2 <i>Provision amended</i>
<i>Aboriginal Affairs Planning Authority Act 1972</i>	section 41 (4)
<i>Aboriginal Heritage Act 1972</i>	section 29 (c)
<i>Agriculture and Related Resources Protection Act 1976</i>	section 7 (1), in the definition of “pastoral lease”
<i>Amendment of Deeds of Grant Act 1884</i>	section 3A
<i>Auction Sales Act 1973</i>	section 5 (1) (a)
<i>Cemeteries Act 1986</i>	section 12 (a)
<i>Conservation and Land Management Act 1984</i>	section 4 (4) section 7 (4) (d) section 9 (3) (b) section 10 (2) section 16A (1) section 17 (7) section 17A (1) section 17A (8) section 33 (1) (g) section 142 (1) section 142 (2) (in both places)
<i>Country Areas Water Supply Act 1947</i>	section 5 (1), in paragraph (b) of the definition of “holding” (in both places)
<i>Dividing Fences Act 1961</i>	section 3

No. 31] *Acts Amendment (Land Administration)*  
**Sch. 1** *Act 1997*

<i>Dog Act 1976</i>	section 3 (1), in paragraph (a) of the definition of "townsite"
<i>Forrest Place and City Station Development Act 1985</i>	section 16 (1) (a)
<i>Geraldton Foreshore and Marina Development Act 1990</i>	section 3 (1), in the definition of "Crown land"
<i>Land Acquisition and Public Works Act 1902</i>	section 5A (b) section 5B (1) (a) section 82 (1)
<i>Land Boundaries Act 1841</i>	section 5 section 10
<i>Mining Act 1978</i>	section 8 (1), in paragraphs (a) (ii) and (c) (i) of the definition of "Crown land" section 8 (1), in the definition of "private land" section 16 (3) section 20 (5) (e) section 25 (2) (b) section 25 (3) (b) section 118 section 123 (7) (a)
<i>Petroleum Act 1967</i>	section 5 (1), in paragraphs (c) (i) and (d) of the definition of "Crown land" section 5 (1), in paragraph (a) of the definition of "private land" section 15 (2) section 21 (1) (a) section 24 (1)
<i>Petroleum Pipelines Act 1969</i>	section 4 (1), in the definition of "the Minister for Lands"

<i>Port Hedland Port Authority Act 1970</i>	section 6 (3) section 6 (4)
<i>Real Property (Foreign Governments) Act 1951</i>	section 3 (3)
<i>Rural Adjustment and Finance Corporation Act 1993</i>	section 36 (2)
<i>Settlement Agents Act 1981</i>	section 46 (1) section 46 (2) (b) Schedule 2, clause 1 (2) (a) Schedule 2, clause 1 (2) (e) (in both places)
<i>Shearers' Accommodation Act 1912</i>	section 6 (5) (a) section 6 (5) (b)
<i>Soil and Land Conservation Act 1945</i>	section 4, in paragraph (d) of the definition of "Owner" section 19A (1) section 19A (2) section 26 (5) section 35 (7) (b) (in both places) section 35 (9) section 36 (2) (c) (in both places) Schedule
<i>Stamp Act 1921</i>	Third Schedule, item 6 (1)
<i>Standard Survey Marks Act 1924</i>	section 2, in the definition of "Authorized land officer"
<i>Street Alignment Act 1844</i>	section 7 section 12 section 17
<i>Town Allotments (Boundaries) Act 1844</i>	section 23
<i>Town Boundary Marks Ordinance 1853</i>	section 4A



**SCHEDULE 2**

[Section 142]

**DELETION OF “THE PUBLIC WORKS ACT 1902” AND  
SUBSTITUTION OF “PART 9 OF THE LAND ADMINISTRATION  
Act 1997”**

Column 1 <i>Short title of Act</i>	Column 2 <i>Provision amended</i>
<i>Country Areas Water Supply Act 1947</i>	section 12E (6) (b) section 12EB (1) section 12EB (2)
<i>Country Towns Sewerage Act 1948</i>	section 11 (1) (b)
<i>Dampier Port Authority Act 1985</i>	section 27
<i>Energy Corporations (Powers) Act 1979</i>	section 28 (3) (e) section 36 section 37 (3) section 40 (1) section 45 (4) section 46 (6)
<i>Fremantle Port Authority Act 1902</i>	section 27A
<i>Health Act 1911</i>	section 65 (a) section 330A (1)
<i>Heritage of Western Australia Act 1990</i>	section 73 (4) section 73 (5)
<i>Jetties Act 1926</i>	section 6 (2)
<i>Local Government (Miscellaneous Provisions) Act 1960</i>	section 364 (11) (a)
<i>Main Roads Act 1930</i>	section 29 (1) (b)
<i>Marine and Harbours Act 1981</i>	section 10
<i>Metropolitan (Perth) Passenger Transport Trust Act 1957</i>	section 25 (6) (a) section 25 (6) (c)
<i>Metropolitan Region Town Planning Scheme Act 1959</i>	section 37 (7) (a) section 37A (2)
<i>Metropolitan Water Supply, Sewerage, and Drainage Act 1909</i>	section 15
<i>Perth Market Act 1926</i>	section 11 (3)



**SCHEDULE 3**

[Section 143]

**DELETION OF “GOVERNOR” AND SUBSTITUTION OF  
“MINISTER ADMINISTERING THE *LAND ADMINISTRATION*  
*ACT 1997*”**

<b>Column 1</b> <i>Short title of Act</i>	<b>Column 2</b> <i>Provision amended</i>
<i>Energy Corporations (Powers) Act 1979</i>	section 39 (2) (a)
<i>Petroleum Act 1967</i>	section 12 (1) section 12 (2)
<i>Wildlife Conservation Act 1950</i>	section 23F (9)