

# RURAL INDUSTRIES ASSISTANCE.

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No. 57 of 1980.

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AN ACT to amend the Rural Industries Assistance  
Act 1975.

[Assented to 24 November 1980.]

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Rural Industries Assistance Amendment Act 1980*. Short title and citation.

(2) In this Act the Rural Industries Assistance Act 1975 is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Rural Industries Assistance Act 1975-1980.

Section 2  
amended.

2. Section 2 of the principal Act is amended in the interpretation "scheme" by deleting "financial".

Section 3  
amended.

3. Section 3 of the principal Act is amended in subsection (1) by deleting "financial".

Sections 3A,  
3B, 3C and  
3D inserted.

4. After section 3 of the principal Act the following sections are inserted—

Provisions  
as to  
acquisition,  
holding and  
disposal of  
property.

“ 3A. (1) Without limiting the generality of section 3 (2) of this Act the Authority may, to such extent and in such manner as is contemplated by, and necessary for the operation of, a scheme—

- (a) acquire, hold and deal with real and personal property;
- (b) sell, lease, grant, exchange or otherwise dispose of real or personal property on such terms and conditions as the Authority thinks fit;
- (c) take such security as the Authority thinks fit in respect of moneys advanced under the scheme by way of loan.

(2) Where the approval in writing of the Minister to whom the administration of the Land Act 1933 is committed has first been obtained—

- (a) the holder of any estate or interest in land under the operation of that Act may, notwithstanding anything contained in that Act, dispose of that estate or interest to the Authority;
- (b) the Authority may, notwithstanding anything contained in that Act, acquire and hold, surrender or otherwise deal with an estate or interest in land under the operation of that Act.

(3) The Governor may, if he is satisfied that it is necessary or expedient for the operation of a scheme—

- (a) dispose of any area of Crown land to the Authority for an estate in fee simple;
- (b) lease any area of Crown land to the Authority,

on such terms and conditions as he thinks fit.

3B. (1) Where—

- (a) an offer is made to a person by the Authority setting out details of the assistance that the Authority proposes to render to him under a scheme;
- (b) that offer is accepted by that person in writing; and
- (c) that person is the owner or occupier of land, or of an estate or interest in land, that has been injuriously affected by the operation of Part IIA of the Country Areas Water Supply Act 1947,

Compensation  
for effect of  
clearing  
controls.

the Authority may serve a notice under this section on the Minister to whom the administration of that Part of that Act is committed.

(2) A notice under this section shall be in writing and shall—

- (a) identify the person who has accepted the offer of assistance and the land that has been injuriously affected;
- (b) specify the cause and nature of the injurious affection; and
- (c) notify the Minister on whom it is served that such assistance as is specified in the notice (being the whole or a portion

of the assistance offered and accepted) is to be rendered to the person by the Authority by way of compensation for the injurious affection.

(3) On and from the service of a notice under this section—

- (a) the person identified in the notice shall, for the purposes of the provisions of Part IIA of the Country Areas Water Supply Act 1947, be deemed to have claimed and been paid compensation under and in accordance with those provisions in respect of the injurious affection specified in the notice and shall not be entitled to make or proceed with any claim under those provisions in respect of the injurious affection; and
- (b) the assistance specified in the notice shall, for the purposes of the provisions of the Country Areas Water Supply Act 1947, be deemed to have been paid as compensation under and in accordance with those provisions in respect of the injurious affection specified in the notice and those provisions shall apply thereto and in relation thereto.

Prohibition  
on dealings  
in land.

3C. (1) Where the Authority disposes of an estate or interest in any land to a person for the purpose of assisting him under a scheme the Authority may deliver to the Registrar of Titles or the Registrar of Deeds, as the case requires, a memorial in the prescribed form reciting that the estate or interest has been so disposed of, and the Registrar of Titles, or the Registrar of Deeds, as the case requires, shall without payment of a fee, register the memorial and endorse or note the title and land register or record in respect of the land.

(2) When the memorial is registered the Registrar of Titles or the Registrar of Deeds, as the case requires, is prohibited from registering and from accepting for registration an instrument effecting a transfer or assignment of the estate or interest or a lease of the land without the consent of the Authority until the land ceases under subsection (3) of this section to be bound by this subsection.

(3) Where a memorial has been registered under subsection (1) of this section in relation to land the Authority may deliver to the Registrar of Titles, or the Registrar of Deeds, as the case requires, a notice signed and dated by the Chairman of the Authority notifying that the Authority no longer requires the land to be bound by subsection (2) of this section and the Registrar of Titles, or the Registrar of Deeds, as the case requires, shall endorse the title and land register or record to that effect and, when the notice is so noted, the land ceases to be bound by subsection (2) of this section.

3D. Notwithstanding anything contained in Part IIA of the Country Areas Water Supply Act 1947, where, pursuant to a scheme, the Authority disposes of an estate or interest in land to a person referred to in section 3B (1) (c) of this Act no claim for compensation shall thereafter lie under that Part of that Act in relation to any use of that land by a person deriving title through the Authority. ” .

Claims for compensation excluded.

5. Section 4 of the principal Act is amended in subsection (1) by deleting “financial”.

Section 4 amended.