

WESTERN AUSTRALIA

ACTS AMENDMENT (LAND ADMINISTRATION) ACT

No. 126 of 1987

AN ACT to amend the *Land Boundaries Act 1841*, the *Street Alignment Act 1844*, the *Town Allotments (Boundaries) Act 1844*, the *Town Boundary Marks Ordinance 1853*, the *Amendment of Deeds of Grant Act 1884*, the *Transfer of Land Act 1893*, the *Public Works Act 1902*, the *Licensed Surveyors Act 1909*, the *Standard Survey Marks Act 1924*, the *Land Act 1933*, the *Public Trustee Act 1941*, the *Local Government Act 1960*, the *Aboriginal Heritage Act 1972*, the *State Energy Commission Act 1979*, the *Conservation and Land Management Act 1984*, the *Water Authority Act 1984* and the *Mining Act 1978*, and to validate the purported exercise or performance of certain powers or duties on behalf of the Minister for Works.

[Assented to 31 December 1987]

The Parliament of Western Australia enacts as follows:

PART I—PRELIMINARY

Short title

1. This Act may be cited as the *Acts Amendment (Land Administration) Act 1987*.

Commencement

2. The provisions of this Act shall come into operation on such day as is, or days as are respectively, fixed by proclamation.

PART II—LAND BOUNDARIES ACT 1841**Principal Act**

3. In this Part, the *Land Boundaries Act 1841** is referred to as the principal Act.

[*4 and 5 Vict. No. 20 as amended by 1 and 2 Edw. VII No. 14 and Act No. 10 of 1970.]

Section 1 amended

4. Section 1 of the principal Act is amended by—

(a) inserting before “Be it therefore enacted by His Excellency the Governor of Western Australia” the following—

“ 1. ”; and

(b) deleting “the Surveyor-General to ascertain” and substituting the following—

“ an authorized land officer to ascertain ”.

Section 3 amended

5. Section 3 of the principal Act is amended by deleting “the Surveyor-General” and substituting the following—

“ an authorized land officer ”.

Section 4 amended

6. Section 4 of the principal Act is amended by inserting after “the Surveyor-General” the following—

“ or, in the case of signature of any such entry after the coming into operation of section 6 of the *Acts Amendment (Land Administration) Act 1987*, by an authorized land officer ”.

Section 5 amended

7. Section 5 of the principal Act is amended by deleting “the Surveyor-General’s office” and substituting the following—

“ the Department within the meaning of the *Land Act 1933* ”.

Section 6 amended

8. Section 6 of the principal Act is amended by deleting “the Surveyor-General or any person or persons employed by” and substituting the following—

“ an authorized land officer or any person or persons assisting ”.

Section 10 repealed and substituted

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

Interpretation

“ 10. In this Act—

“authorized land officer” has the meaning given by the *Land Act 1933*. ”.

PART III—STREET ALIGNMENT ACT 1844**Principal Act**

10. In this Part, the *Street Alignment Act 1844** is referred to as the principal Act.

[*8 *Vict. No. 8 as amended by Acts Nos. 8 of 1924 and 10 of 1970.*]

Section 1 amended

11. Section 1 of the principal Act is amended by—

- (a) inserting before “Be it therefore enacted by His Excellency the Governor of Western Australia” the following—

“ 1. ”; and

- (b) deleting “the Surveyor-General” and substituting the following—

“ an authorized land officer ”.

Section 3 amended

12. Section 3 of the principal Act is amended by deleting “the Surveyor-General or any person or persons employed by” and substituting the following—

“ an authorized land officer or any person or persons assisting ”.

Section 7 amended

13. Section 7 of the principal Act is amended by deleting—

- (a) “the Surveyor-General shall report” and substituting the following—

“ the permanent head of the Department within the meaning of the *Land Act 1933* shall report ”;

- (b) “the Survey Office” and substituting the following—

“ that Department ”; and

- (c) “by the Surveyor-General” and substituting the following—

“ by the permanent head of that Department ”.

Section 12 amended

14. Section 12 of the principal Act is amended by deleting—

- (a) “the Surveyor-General shall” and substituting the following—

“ an authorized land officer shall ”;

- (b) “Survey Office” and substituting the following—
 “ Department within the meaning of the *Land Act 1933* ”;
 and
- (c) “by the Surveyor-General” and substituting the following—
 “ by an authorized land officer ”.

Section 17 repealed and substituted

15. Section 17 of the principal Act is repealed and the following section is substituted—

Interpretation

- “ 17. In this Act—
 “authorized land officer” has the meaning given by the *Land Act 1933*. ”.

PART IV—TOWN ALLOTMENTS (BOUNDARIES) ACT 1844

Principal Act

16. In this Part, the *Town Allotments (Boundaries) Act 1844** is referred to as the principal Act.

[*8 Vict. No. 9 as amended by 48 Vict. No. 13 and Act No. 10 of 1970.]

Section 1 amended

17. Section 1 of the principal Act is amended by—

- (a) inserting before “Be it therefore enacted by His Excellency the Governor of Western Australia” the following—
 “ 1. ”; and
- (b) deleting “the Surveyor-General” and substituting the following—
 “ an authorized land officer ”.

Section 2 amended

18. Section 2 of the principal Act is amended by deleting “the said Surveyor-General” and substituting the following—

“ an authorized land officer ”.

Section 3 amended

19. Section 3 of the principal Act is amended by deleting “the Surveyor-General” and substituting the following—

“ an authorized land officer ”.

Section 4 amended

20. Section 4 of the principal Act is amended by deleting “the Surveyor-General” and substituting the following—

“ an authorized land officer ”.

Section 11 amended

21. Section 11 of the principal Act is amended by deleting “Surveyor-General’s maps)” and substituting the following—

“ maps of the authorized land officer concerned) ”.

Section 23 repealed and substituted

22. Section 23 of the principal Act is repealed and the following section is substituted—

Interpretation

“ 23. In this Act—

“authorized land officer” has the meaning given by the *Land Act 1933*. ”.

PART V—TOWN BOUNDARY MARKS ORDINANCE 1853

Principal Act

23. In this Part, the *Town Boundary Marks Ordinance 1853** is referred to as the principal Act.

[*16 Vict. No. 16 as amended by Act No. 10 of 1970.]

Section 1 amended

24. Section 1 of the principal Act is amended by deleting “the Surveyor-General” and substituting the following—

“ an authorized land officer ”.

Section 2 amended

25. Section 2 of the principal Act is amended by deleting “the Surveyor-General” and substituting the following—

“ an authorized land officer ”.

Section 3 amended

26. Section 3 of the principal Act is amended by deleting “the Surveyor-General” and substituting the following—

“ an authorized land officer ”.

Section 4A inserted

27. The principal Act is amended by inserting after section 4 the following section—

Interpretation

“ 4A. In this Ordinance—

“authorized land officer” has the meaning given by the *Land Act 1933.* ”.

PART VI—AMENDMENT OF DEEDS OF GRANT ACT 1884

Principal Act

28. In this Part, the *Amendment of Deeds of Grant Act 1884** is referred to as the principal Act.

[*48 Vict. No. 13 as amended by Act No. 81 of 1966.]

Section 1 amended

29. Section 1 of the principal Act is amended by deleting “the Surveyor-General”, in both places where it occurs, and substituting in both cases the following—

“ an authorized land officer ”.

Section 3 amended

30. Section 3 of the principal Act is amended by deleting “the Surveyor-General”, in the 3 places where it occurs, and substituting in each case the following—

“ an authorized land officer ”.

Section 3A inserted

31. The principal Act is amended by inserting after section 3 the following section—

Interpretation

“ 3A. In this Act—

“authorized land officer” has the meaning given by the *Land Act 1933.* ”.

PART VII—TRANSFER OF LAND ACT 1893

Principal Act

32. In this Act, the *Transfer of Land Act 1893** is referred to as the principal Act.

[*Reprinted as approved for reprint 7 July 1975 and amended by Acts Nos. 56 of 1978 and 10 of 1982.]

Section 4 amended

33. Section 4 of the principal Act is amended in subsection (1) by inserting after the definition of "Annuity" the following definition—

“ “Authorized land officer” has the meaning given by the *Land Act 1933*. ”.

Section 151 amended

34. Section 151 of the principal Act is amended by deleting “the Surveyor General” and substituting the following—

“ an authorized land officer ”.

Section 153A amended

35. Section 153A of the principal Act is amended by deleting “the Surveyor General” and substituting the following—

“ the Registrar of Titles ”.

Section 181 amended

36. Section 181 of the principal Act is amended by inserting—

(a) before “The Commissioner may,” the following—

“ (1) ”; and

(b) after the existing section the following subsection—

“ (2) The Registrar may, with the approval of the Governor and after consultation with the Land Surveyors Licensing Board constituted under the *Licensed Surveyors Act 1901*, make regulations providing direction and guidance for licensed surveyors performing surveys authorized or required within the meaning of the definition of “Authorized Survey” in section 3 of the *Licensed Surveyors Act 1909*. ”.

PART VIII—PUBLIC WORKS ACT 1902

Principal Act

37. In this Part, the *Public Works Act 1902** is referred to as the principal Act.

[*Reprinted as approved for reprint 13 June 1978 and amended by Acts Nos. 67 of 1979, 112 and 123 of 1984 and 25 and 98 of 1985.]

Sections 5A and 5B inserted

38. The principal Act is amended by inserting after section 5 the following sections—

Delegation by Minister

“ 5A. The Minister may, either generally or as otherwise provided by the notice concerned, by notice published in the *Gazette* delegate to—

- (a) any officer of the Public Service of the State under the administrative control of the Minister and assisting him in the administration of this Act;
- (b) the Minister of the Crown to whom the administration of the *Land Act 1933* is for the time being committed by the Governor;
- (c) the Minister of the Crown to whom the administration of the *Main Roads Act 1930* is for the time being committed by the Governor;
- (d) the Minister of the Crown to whom the administration of the *State Energy Commission Act 1979* is for the time being committed by the Governor; or
- (e) the Minister of the Crown to whom the administration of the *Water Authority Act 1984* is for the time being committed by the Governor,

any of his powers or duties under this Act, except this power of delegation.

Subdelegation of delegated power or duty

5B. (1) A Minister of the Crown to whom a power or duty has been delegated under section 5A may, either generally or as otherwise provided by the notice concerned, by notice published in the *Gazette* delegate—

- (a) in the case of the Minister of the Crown referred to in section 5A (b), to the Permanent Head of the Department principally assisting that Minister of the Crown in the administration of the *Land Act 1933* or to any other officer of that Department;
- (b) in the case of the Minister of the Crown referred to in section 5A (c), to the Commissioner within the meaning of the *Main Roads Act 1930* or to any officer of that Commissioner;
- (c) in the case of the Minister of the Crown referred to in section 5A (d), to the Commission within the meaning of the *State Energy Commission Act 1979* or to any officer of that Commission; or
- (d) in the case of the Minister of the Crown referred to in section 5A (e), to the Authority within the meaning of the *Water Authority Act 1984* or to any officer of the Authority within the meaning of that Act,

the whole or any part of the power or duty.

(2) A Minister of the Crown shall as soon as is practicable after exercising the power of delegation conferred on him by subsection (1) transmit to the Minister a copy of the notice by which that power was exercised. ”.

Validation

39. (1) The purported exercise or performance on behalf of the Minister for Works by—

- (a) any Minister of the Crown other than the Minister for Works or by a State agency or instrumentality or other public authority; or
- (b) any person employed by the Government or by a State agency or instrumentality or other public authority,

with the consent of the Minister for Works during the period beginning on 1 January 1970 and ending immediately before the commencement of this Part of any power conferred or duty imposed on the Minister for

Works by the principal Act is hereby validated and declared to have been lawfully done by that Minister of the Crown or the State agency or instrumentality or other public authority or person employed by the Government or by the State agency or instrumentality or other public authority, as the case requires.

(2) In this section—

“the Minister for Works” has the meaning given by the principal Act.

PART IX—LICENSED SURVEYORS ACT 1909

Principal Act

40. In this Part the *Licensed Surveyors Act 1909** is referred to as the principal Act.

[*Reprinted as approved 1 September 1975 and amended by Act No. 107 of 1976.]

Section 3 amended

41. Section 3 of the principal Act is amended by deleting the definition of “Surveyor General”.

Section 4 amended

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

(a) in subsection (1) by deleting—

(i) paragraph (a); and

(ii) “Surveyor General” in paragraph (b) and substituting the following—

“ Minister ”;

(b) by repealing subsection (1a);

(c) in subsection (2) by deleting “, other than the Surveyor General,”;

- (d) in subsection (3) by deleting “other than the Surveyor General,”;
- (e) in subsection (4) by deleting—
 - (i) “other than the Surveyor General”; and
 - (ii) “Surveyor General”, where it occurs for the second and third times, and substituting in each case the following—
 - “ Minister ”;
- (f) in subsection (4a) by deleting—
 - (i) “Surveyor General” and substituting the following—
 - “ Minister ”;
 - (ii) paragraph (a) and substituting the following paragraph—
 - “ (a) in respect of the occasion of the first appointment of the member after the commencement of section 42 of the *Acts Amendment (Land Administration) Act 1987*, as soon as is practicable after that commencement; and ”;
- (g) in subsection (5) by deleting “Surveyor General”, wherever it occurs, and substituting in each case the following—
 - “ Minister ”;
- (h) in subsection (5a) by deleting “Surveyor General” and substituting the following—
 - “ Minister ”; and
- (i) by inserting after subsection (5a) the following subsection—
 - “ (5b) The Governor shall, on the nomination of the Minister, appoint one of the members of the Board who is a licensed surveyor to be the chairman of the Board. ”.

(2) Notwithstanding anything in subsection (1)—

- (a) the members of the Board who were in office immediately before the commencement of this section, except for the member referred to in section 4 (1) (a) of the principal Act, shall—
 - (i) if that commencement occurred before 1 January 1988, continue in office until 31 December 1987; or

- (ii) if that commencement occurred on or after 1 January 1988 but before 1 January 1989, continue in office until 31 December 1988;

and

(b) if the commencement of this section occurred—

- (i) before 1 January 1988, any vacancy in the office of member of the Board which occurred after that commencement but before 1 January 1988; or
- (ii) on or after 1 January 1988 but before 1 January 1989, any vacancy in the office of member of the Board which occurred after that commencement but before 1 January 1989,

shall be filled, subject to subsection (3), in the manner provided by the principal Act as in force immediately before that commencement.

(3) A vacancy referred to in subsection (2) caused by the going out of office of a member of the Board appointed before the commencement of this section under section 4 (1) (b) of the principal Act shall be filled by the appointment by the Governor on the nomination of the Minister of a new member of the Board.

(4) In subsections (2) and (3) “Board” has the meaning given by the principal Act.

Section 18 amended

43. Section 18 of the principal Act is amended by deleting “Surveyor General” and substituting the following—

“ Registrar of Titles ”.

Section 19 amended

44. Section 19 of the principal Act is amended by deleting “Surveyor General”, wherever it occurs, and substituting in each case the following—

“ Registrar of Titles ”.

PART X—STANDARD SURVEY MARKS ACT 1924

Principal Act

45. In this Part, the *Standard Survey Marks Act 1924** is referred to as the principal Act.

[*Act No. 8 of 1924.].

Section 2 amended

46. Section 2 of the principal Act is amended by—

- (a) inserting before the definition of “Local Authority” the following definition—

“ “Authorized land officer” has the meaning given by the *Land Act 1933.* ”;

- (b) inserting after “the Surveyor General” in the definition of “Survey Mark” the following—

“ or, after the commencement of section 46 of the *Acts Amendment (Land Administration) Act 1987*, of an authorized land officer ”; and

- (c) deleting the definition of “Surveyor General”.

Section 3 amended

47. Section 3 of the principal Act is amended by deleting “The Surveyor General” and substituting the following—

“ An authorized land officer ”.

Section 4 amended

48. Section 4 of the principal Act is amended by deleting “The Surveyor General” and substituting the following—

“ An authorized land officer ”.

Section 5 amended

49. Section 5 of the principal Act is amended by deleting “the Surveyor General” and substituting the following—

“ an authorized land officer ”.

Section 6 amended

50. Section 6 of the principal Act is amended—

(a) in subsection (1) by—

(i) inserting after “the Surveyor General” where it first occurs the following—

“ or, after the commencement of section 50 of the *Acts Amendment (Land Administration) Act 1987*, an authorized land officer ”; and

(ii) deleting “the Surveyor General” where it occurs for the second time and substituting the following—

“ an authorized land officer ”;

and

(b) in subsection (2) by deleting “the Surveyor General” and substituting the following—

“ an authorized land officer ”.

PART XI—*LAND ACT 1933*

Principal Act

51. In this Part, the *Land Act 1933** is referred to as the principal Act.

[*Reprinted as at 2 May 1985 and amended by Acts Nos. 98 of 1985 and 14 of 1986.]

Section 3 amended

52. Section 3 of the principal Act is amended—

(a) in subsection (1) by—

(i) inserting after the definition of “Adjoining” the following definition—

“ “authorized land officer” means officer of the Department appointed under section 173 to be an authorized land officer. ”; and

(ii) deleting the definition of “Schedule”;

and

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

“ (3) An order made under this Act, other than an order made under section 164A (6), is subsidiary legislation within the meaning of the *Interpretation Act 1984*. ”.

Section 6A inserted

53. The principal Act is amended by inserting after section 6 the following section—

General power of delegation of Minister

“ 6A. (1) The Minister may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him delegate to—

(a) an officer of the Department, being an officer named; or

(b) the person for the time being occupying a position in the Department, being a position specified,

in the instrument of delegation, any of his powers or duties under this Act or the *Local Government Act 1960*, other than this power of delegation.

(2) A power or duty delegated under subsection (1) shall, if exercised or performed by the delegate, be exercised or performed in accordance with the instrument of delegation.

(3) Nothing in this section prevents or limits the application of sections 58 and 59 of the *Interpretation Act 1984* to a delegation made under subsection (1). ”.

Section 8 amended

54. Section 8 of the principal Act is amended by repealing subsection (4) and substituting the following subsection—

- “ (4) The Minister shall, after consultation with the Valuer-General, determine the value of—
- (a) any land to be purchased under this section; or
 - (b) any land to be acquired by exchange under this section, and the value of the Crown land to be granted in exchange for the land to be so acquired. ”.

Section 15 amended

55. Section 15 of the principal Act is amended in subsection (1) by—

- (a) inserting after “under this Act shall” the following—

“ be deemed to ”; and
- (b) deleting “form or to the effect of the 2nd or 3rd Schedules, as the case may be” and substituting the following—

“ appropriate prescribed form ”.

Section 18 amended

56. Section 18 of the principal Act is amended—

- (a) in subsection (1) by deleting “or licence” and substituting the following—

“ , licence, easement ”;
- (b) in subsection (2) by—
 - (i) inserting before “or occupation certificate under this Act” the following—

“ easement ”;

- (ii) inserting after “lessee, licensee,” the following—
 - “ person to whom that easement is granted ”;
 - (iii) deleting “such lease or licence,” and substituting the following—
 - “ that lease, licence, easement ”;
 - (iv) inserting before “or occupation certificate previously granted.” the following—
 - “ easement ”;
 - (v) inserting before “or selector” in the 2 places where it occurs in the proviso in each case the following—
 - “ person to whom that easement is granted ”; and
 - (vi) inserting before “or occupation certificate” in the proviso the following—
 - “ easement ”;
- (c) in subsection (3) by deleting “the Surveyor General, or other officer authorized in that behalf,” and substituting the following—
 - “ an authorized land officer ”; and
- (d) in subsection (4) by deleting “the Surveyor General” and substituting the following—
 - “ an authorized land officer ”.

Section 23 amended

57. Section 23 of the principal Act is amended—

- (a) in subsection (2) by deleting “Governor” in both places where it occurs and substituting in each case the following—
 - “ Minister ”; and
- (b) in subsection (3) by deleting “a notification from the Minister that the Governor” and substituting the following—
 - “ notification that the Minister ”.

Section 24 amended

58. Section 24 of the principal Act is amended in subsection (1) by deleting “, by notice in the *Gazette*,” and substituting the following—

“ , by notice published in a newspaper circulating in the area in which that land is situated, ”.

Section 32 amended

59. Section 32 of the principal Act is amended—

(a) by deleting “Governor” wherever it occurs and substituting in each case the following—

“ Minister ”; and

(b) in the proviso to subsection (1) by deleting “in the *Gazette*” and substituting the following—

“ published in a newspaper circulating in the area in which the reserve is situated ”.

Section 33 amended

60. Section 33 of the principal Act is amended—

(a) by repealing subsection (1) and substituting the following subsections—

“ (1) In this section, unless the contrary intention appears—

“land” means land reserved under this Act;

“the designated purpose” means the purpose for which land is reserved under this Act and any purpose ancillary, and beneficial, to that purpose.

(1a) An order made under this section shall—

(a) describe the land affected by that order;

(b) specify the purpose for which the land affected by that order is reserved under this Act, or may be leased or granted in fee simple;

(c) name the person—

- (i) in whom the land affected by that order is directed to be vested; or
- (ii) to whom a lease of, or the fee simple in, the land affected by that order is directed to be granted,

by that order; and

(d) specify the conditions and limitations subject to which the Governor by that order—

- (i) directs the vesting of the land affected by that order or the grant of a lease of, or the fee simple in, that land; or
- (ii) confers any power to lease or sub-lease the land affected by that order. ”;

(b) in subsection (2) by inserting before “purpose” wherever it occurs in each case the following—

“ designated ”;

(c) in subsection (3) by—

(i) inserting before “purpose” in paragraph (a) the following—

“ designated ”;

(ii) deleting “form in the 4th Schedule” in paragraph (a) and substituting the following—

“ prescribed form ”;

(iii) deleting “(b) (i)” in paragraph (b) (i) and substituting the following—

“ (3a) ”;

(iv) deleting “pursuant to the provisions of the last preceding paragraph” in paragraph (b) (i) and substituting the following—

“ under subsection (3) ”;

(v) inserting after “sublet, for the” in paragraph (b) (i) the following—

“ designated ”;

(vi) inserting after “mortgage for the” in paragraph (b) (i) the following—

“ designated ”;

(vii) inserting after “may be given” in paragraph (b) (ii) the following—

“ under subsection (3) (a) ”; and

(viii) inserting before “purpose” in paragraph (b) (ii) the following—

“ designated ”;

(d) in subsection (4) by—

(i) inserting before “purpose.” in paragraph (a) the following—

“ designated ”;

(ii) inserting before “purpose” in paragraph (b) the following—

“ designated ”;

and

(e) in subsection (5) by inserting before “purpose.” the following—

“ designated ”.

Section 38 amended

61. Section 38 of the principal Act is amended—

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

“ a newspaper circulating in the area in which that land is situated ”;

- (b) by repealing subsection (2) and substituting the following subsection—

“ (2) Land referred to in subsection (1) may be put up for sale at such times and places as the Minister thinks fit, and the Minister may withdraw from sale any lot referred to in that subsection at any time prior to that lot being actually offered for sale and bid for. ”; and

- (c) in subsection (3) by deleting “form or to the effect of the 5th Schedule” and substituting the following—

“ prescribed form ”.

Section 39 repealed

- 62.** Section 39 of the principal Act is repealed.

Section 41A amended

- 63.** Section 41A of the principal Act is amended—

- (a) in subsection (1) by deleting—

(i) “(not being such a lot as is referred to in subsection (4))”;

and

(ii) the passage beginning with “within 12 months from the date of the auction” and ending with “within the period so specified, as the case requires”;

- (b) by inserting after subsection (1) the following subsection—

“ (1a) Notwithstanding anything in subsection (1), the Minister may at any time withdraw from sale any lot referred to in that subsection. ”;

- (c) by repealing subsection (4); and

- (d) in subsection (5) by deleting “pursuant to subsection (4)” and substituting the following—

“ under subsection (1a) ”.

Section 43 amended

64. Section 43 of the principal Act is amended by deleting “form or to the effect of the 6th Schedule” and substituting the following—

“ prescribed form ”.

Section 45 amended

65. Section 45 of the principal Act is amended—

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

“ Minister— ”;

(b) in paragraph (a) by deleting “State Housing Act 1946-1947” and substituting the following—

“ *Housing Act 1980* ”; and

(c) by deleting paragraphs (b) and (c).

Section 45A amended

66. Section 45A of the principal Act is amended—

(a) by deleting “Governor” wherever it occurs and substituting in each case the following—

“ Minister ”; and

(b) in subsection (2) by deleting—

(i) “subject to this section” and substituting the following—

“ , by notice published in a newspaper circulating in the area in which that land is situated and subject to this section, ”; and

(ii) “: Provided that the notification in the *Gazette* therein referred to shall include particulars of the conditions and price or rental as the case may be referred to in subsection (1)”.

Section 45B amended

67. Section 45B of the principal Act is amended in subsection (1) by deleting—

(a) “the *Gazette*” and substituting the following—

“ a newspaper circulating in the area in which the suburban or town land concerned is situated ”;

(b) “the notice” in paragraph (a) and substituting the following—

“ that invitation ”; and

(c) “specify a period” in paragraph (b) and substituting the following—

“ specify in the invitation referred to in paragraph (a) a period ”.

Section 47 amended

68. Section 47 of the principal Act is amended—

(a) in subsection (3) by deleting “form of the 7th Schedule” and substituting the following—

“ prescribed form ”;

(b) in subsection (4) by deleting “form of the 8th Schedule” and substituting the following—

“ prescribed form ”; and

(c) in subsection (5) by deleting “form of the 3rd Schedule” and substituting the following—

“ prescribed form ”.

Section 52 amended

69. Section 52 of the principal Act is amended by deleting “Governor” and substituting the following—

“ Minister ”.

Section 53 amended

70. Section 53 of the principal Act is amended by deleting “Governor” in subsections (1) and (2) (c) and substituting in both cases the following—

“ Minister ”.

Section 54 amended

71. Section 54 of the principal Act is amended in subsection (2) by deleting—

- (a) “form or to the effect of the 10th Schedule” in paragraph (c) and substituting the following—

“ prescribed form ”; and

- (b) “form of the 11th Schedule” in paragraph (d) and substituting the following—

“ prescribed form ”.

Section 57 amended

72. Section 57 of the principal Act is amended by deleting “1951.” and substituting the following—

“ 1988. ”.

Section 58 amended

73. Section 58 of the principal Act is amended by deleting “Governor” and substituting the following—

“ Minister ”.

Section 66 amended

74. Section 66 of the principal Act is amended in subsection (1) by deleting—

- (a) “form or to the effect of the 12th Schedule” and substituting the following—
“ prescribed form ”;
- (b) “form or to the effect of the 13th Schedule” and substituting the following—
“ prescribed form ”; and
- (c) “form or to the effect of the 14th Schedule” and substituting the following—
“ prescribed form ”.

Section 81 amended

75. Section 81 of the principal Act is amended—

- (a) in paragraph (3) by deleting “form or to the effect of the 15th Schedule ” and substituting the following—
“ prescribed form ”;
- (b) in paragraph (4) by deleting “form of the 16th Schedule” and substituting the following—
“ prescribed form ”; and
- (c) in paragraph (7) by deleting “form prescribed in the 17th Schedule” and substituting the following—
“ prescribed form ”.

Section 86 amended

76. Section 86 of the principal Act is amended—

- (a) in paragraph (aa) by deleting “that no satisfactory” and substituting the following—
“ no satisfactory ”; and

- (b) in paragraph (c) by deleting “Governor by notice in the *Gazette*” and substituting the following—

“ Minister in writing ”.

Section 91 amended

77. Section 91 of the principal Act is amended—

- (a) in subsection (1) by deleting “form of the 18th Schedule” and substituting the following—

“ prescribed form ”; and

- (b) in subsection (2) by deleting “form of the 19th Schedule” and substituting the following—

“ prescribed form ”.

Section 97 amended

78. Section 97 of the principal Act is amended in subsection (6) by deleting “the Surveyor General” and substituting the following—

“ an authorized land officer ”.

Section 116 amended

79. Section 116 of the principal Act is amended by deleting—

- (a) “form of the 20th Schedule” and substituting the following—

“ prescribed form ”; and

- (b) “form of the 21st Schedule” and substituting the following—

“ prescribed form ”.

Section 117A amended

80. Section 117A of the principal Act is amended in subsection (1) by deleting “Governor” and substituting the following—

“ Minister ”.

Section 117AA amended

81. Section 117AA of the principal Act is amended in subsection (2) by deleting “surrender the lease and obtain in lieu thereof a grant in fee simple of the land” and substituting the following—

“ obtain in lieu of the lease of the land to which that application relates a Crown grant of that land ”.

Section 118A amended

82. Section 118A of the principal Act is amended—

(a) in subsection (1) by deleting—

(i) “Governor, on the recommendation of the Minister and” and substituting the following—

“ Minister, ”; and

(ii) “Order in Council” and substituting the following—

“ order ”;

(b) in subsection (2) by deleting—

(i) “Governor, on the recommendation of the Minister and” and substituting the following—

“ Minister, ”; and

(ii) “Order in Council” and substituting the following—

“ order ”;

and

- (c) in subsection (3) by deleting “Governor, on the recommendation of the Minister, may by Order in Council” and substituting the following—

“ Minister may by order ”.

Section 118B amended

83. Section 118B of the principal Act is amended by—

- (a) inserting after “118B.” the following—

“ (1) ”;

- (b) deleting—

- (i) “rabbit” and substituting the following—

“ vermin ”; and

- (ii) “Governor, on the recommendation of the Minister, may by Order in Council” and substituting the following—

“ Minister may by order ”;

and

- (c) inserting after the existing section the following subsection—

“ (2) In subsection (1)—

“vermin” means emu or rabbit. ”.

Section 118C amended

84. Section 118C of the principal Act is amended in subsection (2) by deleting “Governor, on the recommendation of the Minister, may by Order in Council” and substituting the following—

“ Minister may by order ”.

Section 118CA inserted

85. The principal Act is amended by inserting after section 118C the following section—

Vesting of Crown land unsuitable for
retention as separate lot or for division
and retention as separate lots

“ 118CA. (1) Whenever in the opinion of the Minister a portion of Crown lands is—

- (a) suitable for disposal to a person holding a lot or lots contiguous to that portion; but
- (b) because of its size, shape, location, potential use or any other reason based on good planning principles, unsuitable for retention as a separate lot or for division and retention as separate lots,

the Minister may—

- (c) approve the disposal of that portion to the person referred to in paragraph (a)—
 - (i) if that person holds one lot, subject to the condition that that portion be amalgamated with that lot; or
 - (ii) if that person holds 2 or more lots, subject to the condition that that portion be amalgamated with one of those lots, or be divided and the products of that division amalgamated with each or some of those lots, as the Minister specifies in that approval;

and

- (d) by order declare that on the payment of the price fixed for—
 - (i) that portion by the Minister that portion shall vest in the person referred to in paragraph (a) for an estate or interest the same as that held by him in his one lot; or
 - (ii) each product of the division of that portion by the Minister that product shall vest in the person referred to in paragraph (a) for an estate or interest the same as that held by him in the lot with which that product is to be amalgamated,

as the case requires.

(2) Whenever in the opinion of the Minister a portion of Crown lands is—

- (a) suitable for disposal to 2 or more persons each holding a lot or lots contiguous to that portion; but
- (b) because of its size, shape, location, potential use or any other reason based on good planning principles, unsuitable for division and retention as separate lots,

the Minister may—

- (c) approve the disposal of that portion to the persons referred to in paragraph (a), subject to the condition that that portion be divided and the products of that division be so amalgamated with each or some of the lots held by those persons that not less than the lot, or one of the lots, as the case requires, held by each of those persons will be amalgamated with one such product; and
- (d) by order declare that on the payment of the price fixed by the Minister for each product of the division referred to in paragraph (c) that product shall vest in the person with whose lot, or with one of whose lots, that product is to be amalgamated for an estate or interest the same as that held by that person in his lot, or the relevant one of his lots, as the case requires. ”.

Section 118D amended

86. Section 118D of the principal Act is amended by deleting—

- (a) “Governor” where it first occurs and substituting the following—
“ Minister ”;
- (b) “Governor, on the recommendation of the Minister, may by the Order in Council” and substituting the following—
“ Minister may by the order ”; and
- (c) “Order in Council” where it occurs for the second and third times and substituting in both cases the following—
“ order ”.

Section 118E amended

87. Section 118E of the principal Act is amended by—

- (a) deleting the passage starting with “Any land comprised in a closed road,” and ending with “by virtue of or under this or any other Act” and substituting the following—

“ (1) Any land which is—

- (a) comprised in a closed road and referred to in section 118A;
- (b) comprised in a former vermin proof fence reserve and referred to in section 118B;
- (c) comprised in a former railway reserve and referred to in section 118C;
- (d) a portion of Crown lands, or a product of the division of a portion of Crown lands, referred to in section 118CA; or
- (e) additional Crown land referred to in section 118D,

that has become or hereafter becomes vested under this Act or any other Act ”; and

- (b) inserting after the existing section the following subsection—

“ (2) In subsection (1)—

“vermin” means emu or rabbit. ”.

Section 118F amended

88. Section 118F of the principal Act is amended in—

- (a) subsection (1) by deleting—

- (i) “Land Titles” and substituting the following—

“ Titles ”; and

- (ii) “; but where” and substituting the following—

“ ; but, in the case of land comprised in a closed road and referred to in section 118A, if ”;

- (b) subsection (2) by deleting—
 - (i) “Governor” and substituting the following—
“ Minister ”; and
 - (ii) “that person” and substituting the following—
“ the Registrar of Titles ”;
- (c) subsection (3) by deleting “production of the certificate issued to that person” and substituting the following—
“ inspection of the certificate issued to the Registrar of Titles ”; and
- (d) subsection (4) by deleting “production of the certificate issued to that owner” and substituting the following—
“ inspection of the certificate issued to the Registrar of Titles ”.

Section 118H amended

89. Section 118H of the principal Act is amended by deleting—

- (a) “under section 118B or section 118C,” the following—
“ under section 118B, 118C or 118CA, ”; and
- (b) “subsection (3) of that section, or, as the case may be, in section 118B or section 118C,” and substituting the following—
“ section 118A (3), 118B, 118C or 118CA, as the case requires, ”.

Section 134B amended

90. Section 134B of the principal Act is amended—

- (a) in subsection (1) by deleting—
 - (i) “Governor may, upon the recommendation of the Minister,” and substituting the following—
“ Minister may ”; and
 - (ii) “in respect of which such a recommendation is made”;

and

- (b) in subsection (2) by deleting “A recommendation shall not be made by the Minister for the grant of” and substituting the following—

“ The Minister shall not grant ”.

Section 134C amended

91. Section 134C of the principal Act is amended—

- (a) in subsection (1) by deleting “makes a recommendation under section 134B (2) for the grant of an easement” and substituting the following—

“ grants an easement under section 134B (1) ”;

and

- (b) in subsection (2) by deleting “grant of the easement proposed is unlikely to be recommended under section 134B (2)” and substituting the following—

“ easement proposed is unlikely to be granted under section 134B (1) ”.

Section 134N amended

92. Section 134N of the principal Act is amended by deleting—

- (a) paragraph (a) and substituting the following paragraph—

“ (a) grants an easement under section 134B (1); or ”;

- (b) “recommendation or consent” and substituting the following—

“ grant or consent ”; and

- (c) “making of the recommendation” and substituting the following—

“ making of the grant ”.

Section 135 amended

93. Section 135 of the principal Act is amended in subsection (1) by deleting—

(a) “Governor may notify in the *Gazette*” and substituting the following—

“ Minister may publicly notify ”; and

(b) “notified in the *Gazette*” in the second proviso and substituting the following—

“ so notified ”.

Section 142 amended

94. Section 142 of the principal Act is amended in subsection (2) by deleting “form or to the effect of the 23rd or 24th Schedule, as the case may be,” and substituting the following—

“ appropriate prescribed form, ”.

Section 144 amended

95. Section 144 of the principal Act is amended—

(a) in subsection (2) by deleting “form of the 25th Schedule” and substituting the following—

“ prescribed form ”; and

(b) in subsection (3) by deleting “form of the 26th Schedule” and substituting the following—

“ prescribed form ”.

Section 145 amended

96. Section 145 of the principal Act is amended by deleting “form of the 27th Schedule” and substituting the following—

“ prescribed form ”.

Section 148 amended

97. Section 148 of the principal Act is amended by deleting “the fee of \$2” and substituting the following—

“ such fee as is prescribed ”.

Section 149 amended

98. Section 149 of the principal Act is amended by—

- (a) inserting after “becomes entitled under such lease or licence to” the following—

“ , or becomes entitled under section 117AA (2) to obtain, ”;
and

- (b) deleting “Land Titles” and substituting the following—

“ Titles ”.

Section 152 amended

99. Section 152 of the principal Act is amended in subsection (1) by deleting “Form in the 28th Schedule to this Act” and substituting the following—

“ prescribed form ”.

Section 172 repealed and substituted

100. Section 172 of the principal Act is repealed and the following section is substituted—

Regulations

“ 172. The Governor may make regulations prescribing all matters that are required or permitted by this Act to be prescribed, or are necessary or convenient to be prescribed for giving effect to the purposes of this Act, and, in particular—

- (a) providing for fees;
- (b) creating offences and providing penalties not exceeding \$1 000 for any offence so created; and
- (c) prescribing forms for the purposes of this Act. ”.

Section 173 repealed and substituted

101. Section 173 of the principal Act is repealed and the following section is substituted—

Authorized land officers

“ 173. (1) The Minister may by notice published in the *Gazette* appoint an officer of the Department who is a licensed surveyor within the meaning of the *Licensed Surveyors Act 1909* to be an authorized land officer to exercise such powers, and to perform such duties, as are conferred and imposed on an authorized land officer by this Act or any other Act.

(2) The powers conferred on the Minister by section 52 (1) of the *Interpretation Act 1984* in relation to an appointment under subsection (1) shall be exercisable by notice published in the *Gazette*. ”.

Section 174 repealed

102. Section 174 of the principal Act is repealed.

Section 175 amended

103. Section 175 of the principal Act is amended by deleting “the Surveyor General, or other officer duly authorized in that behalf,” and substituting the following—

“ an authorized land officer, ”.

Certain Schedules repealed and forms deleted

104. All the Schedules to the principal Act are repealed, and all the forms—

(a) appended to the principal Act; and

(b) appearing after the last of those Schedules,

are deleted.

PART XII—*PUBLIC TRUSTEE ACT 1941***Section 61 amended**

105. Section 61 of the *Public Trustee Act 1941** is amended by repealing subsection (3).

[**Reprinted as approved 4 February 1981 and amended by Acts Nos. 19 of 1982, 46 of 1984, 98 of 1985 and 23 of 1986.*]

PART XIII—*LOCAL GOVERNMENT ACT 1960***Principal Act**

106. In this Part, the *Local Government Act 1960** is referred to as the principal Act.

[**Reprinted as approved 24 June 1983 and amended by Acts Nos. 6 and 84 of 1983, 17, 25, 42 and 79 of 1984, 35, 98, 99, 105 and 109 of 1985, 9 and 26 of 1986 and 42 of 1987.*]

Section 6 amended

107. Section 6 of the principal Act is amended in subsection (1) by inserting, in the appropriate alphabetical positions, the following definitions—

“ “authorized land officer” has the meaning given by the *Land Act 1933*;

“Minister for Lands” means Minister of the Crown to whom the administration of the *Land Act 1933* is for the time being committed by the Governor, and includes any Minister of the Crown for the time being discharging the duties of the office of that Minister; ”.

Section 287 amended

108. Section 287 of the principal Act is amended—

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

“ Minister for Lands ”;

- (b) in subsection (2) by deleting—
- (i) “Governor” where it first occurs and substituting the following—
“ Minister for Lands ”; and
 - (ii) “, who shall, if satisfied that the council has complied with the requirements of the regulations, present the request to the Governor”;
- (c) in subsection (3) by deleting “The Governor may” and substituting the following—
- “ On receiving a request delivered to him under subsection (2), the Minister for Lands may, if he is satisfied that the council has complied with the requirements of the regulations, ”;
- (d) in subsection (4) by deleting “Governor” and substituting the following—
- “ Minister for Lands ”; and
- (e) in subsection (5) (a) by deleting “Governor” and substituting the following—
- “ Minister for Lands ”.

Section 288 amended

109. Section 288 of the principal Act is amended—

- (a) in subsection (1) by deleting “Governor” in both places where it occurs and substituting in each case the following—
“ Minister for Lands ”;
- (b) in subsection (2) by deleting “, who shall present it to the Governor”;
- (c) in subsection (3) by deleting “The Governor” and substituting the following—
“ On receiving a request delivered to him under subsection (2), the Minister for Lands ”;

- (d) in subsection (4) by deleting “Governor” and substituting the following—
 - “ Minister for Lands ”;
 - (e) in subsection (5) by deleting—
 - (i) “Governor” and substituting the following—
 - “ Minister for Lands ”; and
 - (ii) “Order” and substituting the following—
 - “ order ”;
- and
- (f) in subsections (6) and (8) by deleting “Order” wherever it occurs and substituting in each case the following—
 - “ order ”.

Section 288A amended

110. Section 288A of the principal Act is amended—

- (a) in subsection (1) by deleting “Governor” and substituting the following—
 - “ Minister for Lands ”;
- (b) in subsection (3) by deleting “, who shall, if satisfied that the council has complied with the requirements of subsection (2) of this section and of the regulations, present the request to the Governor”;
- (c) in subsection (4) by deleting “The Governor may” and substituting the following—
 - “ On receiving a request delivered to him under subsection (3), the Minister for Lands may, if he is satisfied that the council has complied with the requirements of subsection (2) and of the regulations, ”; and
- (d) in subsection (5) by deleting—
 - (i) “Governor” and substituting the following—
 - “ Minister for Lands ”; and

- (ii) “Under Secretary for Lands in the Public Service of the State” and substituting the following—

“ permanent head of the Department within the meaning of the *Land Act 1933* ”.

Section 288B amended

111. Section 288B of the principal Act is amended in paragraph (c) by deleting “Under Secretary for Lands in the Public Service of the State” and substituting the following—

“ permanent head of the Department within the meaning of the *Land Act 1933* ”.

Section 293 amended

112. Section 293 of the principal Act is amended—

- (a) in subsection (2) by deleting—

- (i) “the Surveyor General” where it first occurs and substituting the following—

“ an authorized land officer ”; and

- (ii) “the Surveyor General” where it occurs for the second and third times and substituting in both cases the following—

“ the authorized land officer ”;

- (b) in subsection (3) by deleting “the Surveyor General” and substituting the following—

“ an authorized land officer ”; and

- (c) in subsection (4) by deleting “the Surveyor General” in both places where it occurs and substituting in each case the following—

“ an authorized land officer ”.

Section 294 amended

113. Section 294 of the principal Act is amended by deleting “Governor”, wherever it occurs, and substituting in each case the following—

“ Minister for Lands ”

Section 294A amended

114. Section 294A of the principal Act is amended—

(a) in subsection (1) by—

(i) inserting after “Minister” in paragraph (a) the following—

“ for Lands ”; and

(ii) deleting “the Surveyor General, or other officer duly authorized in that behalf” in paragraph (b) and substituting the following—

“ an authorized land officer ”;

and

(b) by repealing subsection (2).

Section 596 amended

115. Section 596 of the principal Act is amended in subsection (3) by deleting “Under Secretary for Lands” and substituting the following—

“ permanent head of the Department within the meaning of the *Land Act 1933* ”.

Section 655 amended

116. Section 655 of the principal Act is amended in subsection (1) (b) by deleting subparagraph (iii) and substituting the following subparagraph—

“ (iii) a certificate signed by the permanent head of the Department within the meaning of the *Land Act 1933*, or the Director-General of Mines within the meaning of the *Mining Act 1978*,

that a person is registered in that Department, or the Department within the meaning of the *Mining Act 1978*, as the case requires, as the lessee or occupier of land, ”.

Section 656 amended

117. Section 656 of the principal Act is amended—

(a) in subsection (1) (a) by deleting—

(i) “of Lands and Surveys” and substituting the following—

“ within the meaning of the *Land Act 1933*”; and

(ii) “the Surveyor General or an officer authorized by him to do so” and substituting the following—

“ an authorized land officer ”;

and

(b) in subsection (2) by deleting “the Surveyor General”, and substituting the following—

“ an authorized land officer ”.

Section 662 repealed

118. Section 662 of the principal Act is repealed.

Section 678B amended

119. Section 678B of the principal Act is amended by deleting the definition of “authorized land officer” in subsection (1).

PART XIV—*ABORIGINAL HERITAGE ACT 1972***Section 29 amended**

120. Section 29 of the *Aboriginal Heritage Act 1972** is amended by—

- (a) deleting paragraph (c) and substituting the following paragraph—

“ (c) an authorized land officer within the meaning of the *Land Act 1933* for the time being nominated for the purposes of this section by the Minister to whom the administration of that Act is for the time being committed by the Governor, ”;

- (b) inserting after “their office” the following—

“ referred to in paragraph (a) or (b) or nomination referred to in paragraph (c), as the case requires ”; and

- (c) deleting “while any” and substituting the following—

“ while either ”.

[*Approved for reprint 24 June 1981 and amended by Act No. 98 of 1985.]

PART XV—*STATE ENERGY COMMISSION ACT 1979***Section 119A repealed**

121. Section 119A of the *State Energy Commission Act 1979** is repealed.

[*Reprinted as at 21 May 1987 and amended by Act No. 30 of 1987.]

PART XVI—*CONSERVATION AND LAND MANAGEMENT ACT 1984***Section 12 amended**

122. Section 12 of the *Conservation and Land Management Act 1984** is amended by—

- (a) deleting “the Surveyor General” wherever it occurs and substituting in each case the following—

“ an authorized land officer ”; and

(b) inserting after subsection (5) the following subsection—

“ (6) In this section—

“authorized land officer” has the meaning given by the
Land Act 1933. ”.

[*Act No. 126 of 1984 as amended by Acts Nos. 86 and 98 of 1985.]

PART XVII—WATER AUTHORITY ACT 1984

Section 26 amended

123. Section 26 of the *Water Authority Act 1984** is amended by repealing subsection (4).

[*Act No. 3 of 1984 as amended by Acts Nos. 25, 98 and 110 of 1985 (as amended by No. 24 of 1987).]

PART XVIII—MINING ACT 1978

Second Schedule amended

124. The Second Schedule to the *Mining Act 1978** is amended in clause 4 by deleting “Governor” wherever it occurs and substituting in each case the following—

“ Minister for Lands ”.

[*Reprinted as approved 11 December 1981 and subsequently amended by Acts Nos. 10 and 122 of 1982, 52 of 1983, 100 of 1985, 1, 77 and 105 of 1986 and 12 of 1987.]
