

# LAND (No. 2).

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No. 79 of 1982.

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## AN ACT to amend the Land Act 1933-1980.

[Assented to 8 November 1982.]

**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 *Land Amendment Act (No. 2) 1982*.

Short title  
and citation.

(2) In this Act the Land Act 1933-1980 is referred to as the principal Act.

Reprinted as  
approved 17  
May 1973 and  
amended by  
Acts Nos. 73  
of 1977, 107  
of 1978 and  
65 and 97  
of 1980.

(3) The principal Act as amended by this Act may be cited as the Land Act 1933-1982.

Commence-  
ment.

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

Section 3  
amended.

3. Section 3 of the principal Act is amended in subsection (1)—

(a) by deleting the definition of “Department” and substituting the following definition—

“ “Department” means the Department of the Public Service of the State through which the Minister administers this Act. ” ; and

(b) in the definition commencing with “Minister”, by deleting “and the Department of Lands and Surveys”.

Section 5  
repealed.

4. Section 5 of the principal Act is repealed.

Section 12  
amended.

5. Section 12 of the principal Act is amended by deleting “and the Surveyor General, or other officer authorised in that behalf by the Governor”.

Section 14  
repealed.

6. Section 14 of the principal Act is repealed.

Section 17  
amended.

7. Section 17 of the principal Act is amended by repealing subsections (2) and (3).

8. Section 38 of the principal Act is amended in subsection (1) by deleting "Governor" in both places where it occurs and substituting the following—

Section 38  
amended.

" Minister " .

9. Section 45B of the principal Act is amended—

Section 45B  
amended.

(a) in subsection (1), by inserting after "made" in paragraph (b) the following—

" and a place at which applications may be lodged or to which applications may be sent through the post " ; and

(b) in subsection (2), by deleting "Lands and Surveys Office, Perth in the State" and substituting the following—

" place specified under subsection (1) (b) of this section " .

10. Section 47 of the principal Act is amended in subsection (4)—

Section 47  
amended.

(a) by deleting subparagraph (ii) of paragraph (f) and substituting the following subparagraph—

" (ii) shall effect improvements by way of progressively sowing to pasture or crop, or to both, such that by the end of 2 years from the date of approval of the application for the lease at least 10% of the total area of the land is or has been so sown, by the end of 5 years from that date at least 20% of the total area of the land is or has been so

sown, and by the end of 11 years from that date at least 50% of the total area of the land is or has been so sown. ” ;

- (b) by deleting “in any one year or number of years” in the first proviso to subparagraph (ii) of paragraph (f) and substituting the following—

“ within any time ” ; and

- (c) by deleting the second proviso to subparagraph (ii) of paragraph (f).

Section 98  
amended.

11. Section 98 of the principal Act is amended—

- (a) in subsection (2)—

- (i) by deleting paragraph (a) and substituting the following paragraph—

“ (a) one, who shall be the Chairman of the Board, shall be a person appointed for the purposes of this paragraph by the Governor or, until the first such appointment is made, shall be the person for the time being holding the office of Surveyor General under this Act; ” ; and

- (ii) by inserting after “appointed” in paragraph (c) the following—

“ for the purposes of this paragraph ” ;

and

- (b) in subsection (2d), by inserting after “shall” the following—

“ , where the member held office under subsection (2) (c) of this section, ” .

12. Section 116 of the principal Act is amended— Section 116 amended.

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

” Minister may ” ; and

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

“ 50 ” .

13. Section 117 of the principal Act is amended Section 117 amended. by deleting “Governor” and substituting the following—

“ Minister ” .

14. After section 117A of the principal Act the following section is inserted— Section 117AA inserted.

“ 117AA. (1) The lessee of the land leased under section 116 or 117 of this Act may, whether or not the lease was granted before the coming into operation of section 14 of the Land Amendment Act (No. 2) 1982, apply to the Minister to purchase the fee simple of the land. Lessee may apply for fee simple.

(2) Where the Minister approves an application made under subsection (1) of this section the applicant is entitled, on payment of a price fixed by the Minister for the sale of the fee simple and of the Crown grant fee, and on performance of the prescribed conditions, if any, to surrender the lease and obtain in lieu thereof a grant in fee simple of the land.

(3) Regulations may make provision as to the making of applications under subsection (1) of this section. ”.

Section 135  
amended.

15. Section 135 of the principal Act is amended in subsection (1) by deleting “Lands and Surveys Office,” and substituting the following—

“ office of the Department in ” .

Section 139  
amended.

16. Section 139 of the principal Act is amended in each of subsections (1) and (1a) by deleting “of Lands and Surveys,” and substituting in each case the following—

“ in ” .

Part X  
inserted.

17. After section 172 of the principal Act the following Part is inserted—

“ PART X.—SURVEY AND MAPPING.

Office of  
Surveyor  
General.

173. A person shall be appointed under and subject to the Public Service Act 1978 to the office of Surveyor General and he shall be responsible, subject to section 27 of the Public Service Act 1978 and to the general control of the Minister, for the administration of this Part of this Act.

174. The surveys of all lands under the control of the Minister shall be carried out under the direction of the Surveyor General, or other officer authorized in that behalf, and in accordance with the regulations in force for the guidance of surveyors employed in the Department.

Surveys to be under direction of Surveyor General.

175. Plans representing all surveys carried out by the direction of the Minister shall be retained in the Department, and such plans or copies thereof, if certified as correct by the Surveyor General, or other officer duly authorized in that behalf, shall be accepted in every court of law as *prima facie* evidence respecting the alignment and width of every street, road, lane, or way and the boundaries of every lot or surveyed portion. ” .

Plans of surveys.

18. The Second, Third, Fourth, and Eighth Schedules to the principal Act are amended by deleting “of the Department of Lands and Surveys of Our said State” in each place where it occurs and substituting in each case the following—

2nd, 3rd, 4th and 8th Schedules amended.

“ retained under the Land Act 1933 ” .

19. The Sixth Schedule to the principal Act is amended by deleting “in the Department of Lands and Surveys, in the State of Western Australia” and substituting the following—

6th Schedule amended.

“ retained under the Land Act 1933 ” .

20. The Eleventh Schedule to the principal Act is amended by deleting “of the Department of Lands and Surveys of our State of Western Australia” and substituting the following—

11th Schedule amended.

“ retained under the Land Act 1933 ” .

14th  
Schedule  
amended.

21. The Fourteenth Schedule to the principal Act is amended by deleting "of the Department of Lands and Surveys of the said State" and substituting the following—

" retained under the Land Act 1933 " .

16th  
Schedule  
amended.

22. The Sixteenth Schedule to the principal Act is amended by deleting "of the Department of Lands and Surveys" and substituting the following—

" retained under the Land Act 1933 " .

23rd and 24th  
Schedules  
amended.

23. The Twenty-third and Twenty-fourth Schedules to the principal Act are amended by deleting "of the Department of Lands and Surveys, in the State of Western Australia" in each place where it occurs and substituting in each case the following—

" retained under the Land Act 1933 " .

25th  
Schedule  
amended.

24. The Twenty-fifth Schedule to the principal Act is amended by deleting "Lands and Surveys" and substituting the following—

" . . . . . " .

28th  
Schedule  
amended.

25. The Twenty-eighth Schedule to the principal Act is amended by deleting "To the Under Secretary for Lands, Department of Lands and Surveys, Perth." and substituting the following—

" To the permanent head of the Department through which the Land Act 1933 is administered. " .

General  
amend-  
ments.

26. The provisions of the principal Act referred to in the schedule to this section are amended by deleting "of Lands and Surveys" in each place where it occurs.

**Schedule to section 26.**

Sections 12, 62 (2), 113 (7), 145 (3), 148, 151, and 160 (1).



27. The provisions of the principal Act referred to in the schedule to this section are amended by deleting "Under Secretary for Lands" in each place where it occurs and in each case substituting the following—

Further  
general  
amend-  
ments.

“ permanent head of the Department ” .

**Schedule to section 27.**

Sections 118F (2), (3), and (5); 152 (1), (2), (3), and (4);  
153 (1), (3), and (4); 154; 156; 157; 158; 159 (1) and  
(2); 163; 167; and 168.

The Seventh, Eighteenth, and Twenty-fifth Schedules.

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