

AGRICULTURE AND RELATED RESOURCES PROTECTION

No. 76 of 1981.

AN ACT to amend the Agriculture and Related Resources Protection Act 1976-1980.

[Assented to 9 November 1981.]

BE 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 *Agriculture and Related Resources Protection Amendment Act 1981*. Short title.
and citation.

(2) In this Act the Agriculture and Related Resources Protection Act 1976-1980 is referred to as the principal Act. Approved for reprint 10 February 1981.

(3) The principal Act as amended by this Act may be cited as the Agriculture and Related Resources Protection Act 1976-1981.

Commence-
ment.

2. (1) Subject to subsection (3) of this section, this Act shall be deemed to have come into operation on 1 July 1976.

(2) Notwithstanding subsection (1) of this section, this Act does not affect any obligation to pay rates assessed under section 60 or 61 of the principal Act in respect of a financial year before the financial year commencing 1 July 1981 or preclude the recovery of any rates so assessed or require the refund of any moneys paid in respect of rates so assessed.

(3) Section 3 (d) of this Act comes into operation on the day that this Act is assented to by the Governor.

Section 62
amended.

3. Section 62 of the principal Act is amended—

(a) in subsection (3)—

(i) by deleting “For” and substituting the following—

“ Subject to this section, for ” ;

(ii) by deleting “the rate of” in paragraph (a); and

(iii) by deleting “the rate of” in paragraph (b);

(b) by inserting the following subsection—

“(3a) Where a pastoral lease (in this subsection called “the new lease”) is issued by virtue of subsection (10) of section 98 and section 114 of the Land Act 1933—

(a) if the whole of the land held under the new lease was, immediately before the application for the issue of the new

lease, held under two or more pastoral leases, the relevant annual rent on the new lease for the purposes of this section is the amount that was, immediately before the application for the issue of the new lease, the relevant annual rent for the purposes of this section in relation to that land; and

- (b) if some of the land held under the new lease was, immediately before the application for the issue of the new lease, held under a pastoral lease or pastoral leases and the remainder of that land was not so held, the relevant annual rent on the new lease for the purposes of this section is the sum of—

(i) the amount that was, immediately before the application for the issue of the new lease, the relevant annual rent for the purposes of this section in relation to the portion of that land that was so held; and

(ii) the annual rent first payable in respect of the remainder of that land. " ;

- (c) by repealing subsection (4) and substituting the following subsections—

" (4) Where in respect of any pastoral lease the annual rent referred to in paragraph (a) or (b) of subsection (3) is calculated at an interim rate fixed by subsection (4) of section 98 of the Land Act 1933 the relevant annual rent

on the lease for the purposes of this section is the first rent determined pursuant to that section in respect of the lease by the Minister charged with the administration of that Act, or, where the rent is varied pursuant to section 99 of that Act, the rent as so varied.

(5) The reference in subsection (3a) (b) (ii) to the annual rent first payable in respect of any land is a reference to the first rent determined pursuant to section 98 of the Land Act 1933 in respect of the land by the Minister charged with the administration of that Act, or, where the rent is varied pursuant to section 99 of that Act, the rent as so varied. " ; and

(d) by inserting the following subsection—

" (6) Notwithstanding anything in this section, where the rent payable under the Land Act 1933 in respect of a pastoral lease has been reduced under that Act, otherwise than as a result of a re-assessment of the rent pursuant to subsection (3a) of section 98 of that Act, the Minister may, on application by the owner of the pastoral lease, determine that the relevant annual rent on the pastoral lease for the purposes of this section shall be reduced to such amount as the Minister thinks fit and the amount so determined subject to any further determination under this subsection, from the date of the determination constitutes the relevant annual rent on the pastoral lease for the purposes of this section. " .