

LAND (No. 2).

No. 55 of 1969.

AN ACT to amend the Land Act, 1933-1969.

[Assented to 29th September, 1969.]

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:—

Short title
and citation.

1. (1) This Act may be cited as the *Land Act Amendment Act (No. 2), 1969.*

Vol. 21 of the
Reprinted
Acts.
Approved
for reprint
14th Feb.,
1968, and
further
amended by
Acts Nos. 67
of 1968 and
29 of 1969

(2) In this Act the Land Act, 1933-1969 is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Land Act, 1933-1969.

2. This Act shall come into operation on a date to be fixed by proclamation. Commencement.

3. Section 41A of the principal Act is amended— Amendment to s. 41A.

(a) by adding after the word “unsold” in line two of subsection (1) the passage “(not being such a lot as is referred to in subsection (4) of this section)”. (Lots unsold at auction may be sold at upset price within twelve months.)

(b) by adding after subsection (3) the following subsections—

(4) Where a town or suburban lot has been put up for sale by public auction and has been passed in as unsold, the Minister may, by notice published in the *Gazette*, within fourteen days after the auction, withdraw the lot from sale.

(5) Where an application is lodged or received under subsection (1) of this section in respect of a lot that has been withdrawn from sale by the Minister pursuant to subsection (4) of this section, the deposit that accompanied the application shall be refunded to the applicant named therein. .

4. The principal Act is amended by adding after section 42 a section as follows— S. 42A added.

42A. Where the purchase money of land comprising a lot is forfeited pursuant to section twenty-three or forty-two of this Act because the purchaser has failed to comply with a condition relating to improvements on the land if— Power of Minister to refund purchase money or portion thereof in certain circumstances.

(a) the Minister is satisfied that such failure by the purchaser was due to circumstances that could not be foreseen by him or to circumstances beyond his control; and

- (b) the land is again sold pursuant to this Act,

the Minister may, having regard to the amount for which the land has been again sold, refund to the purchaser the whole of the purchase money so forfeited or so much thereof as the Minister thinks fit.

S. 45B added.

5. The principal Act is amended by adding after section 45A a section as follows—

Power to sell town and suburban land by advertisement.

45B. (1) Notwithstanding anything contained in the preceding sections of this Part of this Act, the Minister may, by notice published in the *Gazette*—

- (a) invite applications for the purchase in fee simple of any suburban or town land specified in the notice; and
- (b) specify a period within which applications may be made.

(2) An application made under this section—

- (a) shall be made in the prescribed form;
- (b) shall be accompanied by the prescribed deposit; and
- (c) shall be granted, subject to subsection (3) of this section, according to the order of its being lodged at or received through the post at the Lands and Surveys Office, Perth in the State.

(3) When two or more applications for the purchase of the same land are so lodged or so received on the same day, those applications shall be deemed to have been so lodged or so received at the same time, and in such case the Minister shall nominate the method of determining which of those applications shall be granted.

6. Subsection (1) of section 46 of the principal Act is amended by adding after the word "way", being the last word therein, the words "and also land which is so situated in relation to the lands open for selection that the Minister is of opinion that the land and lands open for selection may be conveniently worked as one holding".

Amendment
to s. 46.
(Land may
be declared
open for
selection.)

7. Subparagraph (i) of paragraph (f) of subsection (4) of section 47 of the principal Act is amended by adding after the word "so" in line four the passage "but where the lease is issued after the coming into operation of the Land Act Amendment Act (No. 2), 1969 the lessee if required by the Minister to do so shall provide an adequate water supply before a Crown grant is issued to the lessee under subsection (5) of this section".

Amendment
to s. 47.
(Conditional
purchase
with
residence.)
