

LAND.

No. 73 of 1977.

AN ACT to amend the Land Act, 1933-1972.

[Assented to 28th November, 1977.]

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 *Land Act Amendment Act, 1977*.

Short title
and
citation.

(2) In this Act the Land Act, 1933-1972 is referred to as the principal Act.

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(3) The principal Act as amended by this Act may be cited as the Land Act, 1933-1977.

Commence-
ment.

2. (1) Subject to subsection (2) of this section the provisions of this Act shall come into operation on such day or days as is or are respectively fixed by proclamation.

(2) Section 6 of this Act shall come into operation on the day on which this Act receives the Royal assent.

Section 7
amended.

3. Section 7 of the principal Act is amended by deleting the words "in the manner and upon the conditions prescribed by this Act or by regulations made thereunder" in subsection (1) and substituting the words "in accordance with the provisions of this Act".

Section 23
amended.

4. Subsection (1) of section 23 of the principal Act is amended by deleting the words "prescribed conditions" in line four and substituting the words "conditions or restrictions".

Section 24
amended.

5. Subsection (1) of section 24 of the principal Act is amended by deleting the words "and conditions" in line six and substituting the passage ", conditions or restrictions".

Section 29
amended.

6. Section 29 of the principal Act is amended—

(a) as to subsection (1), by adding after paragraph (pa) the following paragraphs—

(pb) For sites for cabins, chalets, or, holiday housing of a standard less than that required under the Uniform Building By-laws, 1974 made under the Local Government Act, 1960.

(pc) For sites for temporary accommodation for persons engaged in any occupation or employment. ; and

- (b) by adding after subsection (2) the following subsection—

(3) Any reservation or disposal of land to which the provisions of paragraph (pb) of subsection (1) of this section applies which would have been lawful if the Land Act Amendment Act, 1977, had been in force at the time of such reservation or disposal and any act, matter or thing done, made or executed in relation to any land so reserved or disposed of before the coming into operation of that Act is hereby validated. .

7. Subsection (1) of section 38 of the principal Act is repealed and the following subsection substituted—

Section 38
amended.

(1) Subject to this Act, town and suburban land, after being surveyed into lots and notified in the *Gazette* as open for sale shall be disposed of—

- (a) by sale at public auction at such upset prices as are determined by the Governor; and
- (b) subject to such conditions and restrictions as may be determined by the Governor and are set out in the conditions of sale. .

8. Section 39 of the principal Act is amended by deleting the words “special conditions”, in line six, and substituting the words “conditions and applicable restrictions”.

Section 39
amended.

9. Section 40 of the principal Act is amended by adding after the word “bidding”, in line five, the words “and all persons on whose behalf bids are made”.

Section 40
amended.

Section 41
amended.

10. Section 41 of the principal Act is amended—

- (a) as to subsection (2), by inserting after the word “Act”, in line two, the passage “, save that the balance of purchase money and any fees payable may be paid at an earlier date if the purchaser so desires” ;
- (b) as to subsection (3)—
 - (i) by deleting the passage “sale:” in line six and substituting the passage “sale.”; and
 - (ii) by deleting the proviso; and
- (c) by repealing subsection (4) and substituting the following subsection—

(4) Where the Minister is satisfied that—

- (a) the final instalment of the purchase money and the fees have been paid;
- (b) the fencing and improvements and the conditions imposed in relation to the lot by and under this Act have been complied with and maintained; and
- (c) any applicable restrictions have been observed,

a Crown grant shall be issued in relation to that lot on the payment of the fee of four dollars. .

Section 42
amended.

11. Subsection (1) of section 42 of the principal Act is amended by deleting the word “Subject” in line one and substituting the words “In addition to any other conditions imposed under this Act but subject”.

12. Section 47 of the principal Act is amended— Section 47 amended.

(a) as to paragraph (f) of subsection (4)—

(i) by deleting the passage commencing with the passage “year,” in line nineteen of subparagraph (ii) and ending with the passage “date.” in line twenty-six and substituting the passage “year.” ; and

(ii) by deleting the words “fencing or” where occurring twice in the last sentence of that paragraph; and

(b) as to subsection (5), by deleting the words “fencing and”, in line five, and substituting the passage “fencing of the land has been completed and maintained, the other”.

13. Section 143 of the principal Act is amended Section 143 amended. by adding after subsection (2a) the following subsections—

(2b) Any person who whether directly or indirectly enters into a transaction relating to land under this Act for the purpose of avoiding a condition or restriction imposed by or under this Act commits an offence.

Penalty: One thousand dollars.

(2c) In any proceedings for an offence against subsection (2b) of this section a certificate of the Minister certifying that the purpose of the transaction in question is to avoid a condition or restriction imposed by or under this Act and set out in that certificate is *prima facie* evidence of that fact.

(2d) Where—

(a) the holder of a lease or license of land under this Act; or

(b) a person who is entitled to be issued with a Crown grant of land under this Act,

is convicted of an offence against subsection (2b) of this section the lease or license or any entitlement of that person to the issue of the Crown grant, as the case requires, may be forfeited.

(2e) The provisions of subsections (2b) to (2d) (both inclusive) of this section are in addition to and not in derogation of the provisions of subsection (2a) of this section. .
