Western Australia

Land Administration Act 1997

Land Administration Regulations 1998

As at 12 Nov 2026 Official Version
[PCO 04-v0-00] Published on www.legislation.wa.gov.au

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Land Administration Regulations 1998

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Land Administration Regulations 1998

Part 1 — Preliminary

1. Citation

These regulations may be cited as the *Land Administration Regulations 1998*.

2. Commencement

These regulations come into operation on the day fixed under section 2(1) of the Act.

Part 2 — General

3. Services prescribed (Act s. 3(1) *public utility services*)

(1) In this regulation —

marine navigational aid means a lighthouse or other structure intended to aid the navigation of vessels at sea and includes a helicopter landing pad if necessary to access the lighthouse or other structure by helicopter;

survey mark has the same meaning as in the Act section 268(3);

telecommunications network has the same meaning as in the *Telecommunications Act 1997* (Commonwealth) section 7.

(2) For the purposes of the definition of ***public utility services*** in section 3(1) of the Act, the following services are prescribed —

(a) services provided by a telecommunications network;

(b) services provided by a marine navigational aid;

(c) geocentric datum services provided by a survey mark.

[Regulation 3 inserted: Gazette 6 Jul 2012 p. 3024.]

3A. Classes of persons prescribed for certain delegations (Act s. 9(1)(d))

(1) For the purposes of section 9(1)(d) of the Act, the classes of persons described in subregulation (2) are prescribed when the power to be delegated is —

(a) a power of the Minister to give approval under section 18 of the Act to a proposed transaction involving Crown land; or

(b) a power of the Minister to make a requirement under section 18(5) of the Act in connection with the proposed transaction.

(2) The classes of persons are —

(a) Ministers of the Crown responsible for Crown land transactions; and

(b) persons responsible for Crown land transactions for which no Minister of the Crown is responsible; and

(c) Ministers of the Crown responsible for a person described in paragraph (b); and

(d) officers for whom —

(i) a Minister described in paragraph (a); or

(ii) a person described in paragraph (b),

is responsible.

(3) In subregulation (2) —

Crown land transaction means a transaction to which section 18 of the Act applies.

[Regulation 3A inserted: Gazette 20 Nov 1998 p. 6268; amended: SL 2024/119 r. 4.]

3B. Persons prescribed (Act s. 9(1)(d))

For the purposes of section 9(1)(d) of the Act, the following persons are prescribed —

(a) the Commissioner within the meaning of section 6 of the *Main Roads Act 1930*;

(b) officers of the Commissioner appointed under section 10(1) of the *Main Roads Act 1930*;

(ba) the Minister responsible for the administration of the *Transfer of Land Act 1893*;

(c) officers designated under Part I of the *Transfer of Land Act 1893*;

(d) officers of the Western Australian Land Information Authority established by the *Land Information Authority Act 2006* section 5;

(e) the Minister responsible for the administration of the *Conservation and Land Management Act 1984*;

(f) public service officers of the department of the Public Service principally assisting in the administration of the *Conservation and Land Management Act 1984*.

[Regulation 3B inserted: Gazette 27 Jun 2003 p. 2396; amended: Gazette 16 Nov 2004 p. 5068; 29 Dec 2006 p. 5896; 16 Jul 2013 p. 3247-8; SL 2024/119 r. 5.]

4. Conditions of delegation by Minister of powers to convey or transfer fee simple in Crown land (Act s. 9(1))

If the Minister delegates under section 9(1) of the Act a power conferred or duty imposed by the Act to convey or transfer the fee simple in Crown land, the delegation is subject to the conditions that —

(a) subject to regulation 12, the advice of the Valuer-General as to the market value of the land is obtained, and regard is had to that advice when the price for which the fee simple in the land is to be conveyed or transferred is determined; or

(b) the fee simple in the land is conveyed or transferred —

(i) by public auction, public tender or any other process in which the public is given an opportunity to participate; or

(ii) by private treaty for a price that is not less than 90% of the price determined, on the advice of the Valuer-General, as the reserve price of the land for a public auction at which the bidding did not reach that reserve price; or

(iii) in accordance with a recommendation of an advisory panel appointed by the Minister under section 73 of the Act.

[Regulation 4 amended: Gazette 10 Apr 2001 p. 2074.]

*[**4A.** Deleted: Gazette 18 Sep 2009 p. 3619.]*

5A. Certain City Arcade transactions etc. prescribed (Act s. 18(7)(b))

(1) The circumstances and conditions prescribed for the purposes of section 18(7)(b) of the Act in relation to a transaction being the grant of any further sublease in respect of the land that is the subject of Sublease G362051 are that —

(a) under Sublease G362051 the consent of the Minister and the Sublessor to the grant of the sublease is not required; and

(b) the Sublessee under Sublease G362051 has granted, or consented to the grant of, the sublease; and

(c) the provisions of the sublease are consistent with the provisions of Sublease G362051.

(2) The circumstances and conditions prescribed for the purposes of section 18(7)(b) of the Act in relation to a transaction being the assignment, sale, transfer or other dealing with a sublease mentioned in subregulation (1) are that —

(a) under Sublease G362051 the consent of the Minister and the Sublessor to the transaction is not required; and

(b) the Sublessee under Sublease G362051 has consented to the transaction.

[Regulation 5A inserted: Gazette 18 Sep 2009 p. 3619-20.]

5B. Certain Collier Park Retirement Complex transactions etc. prescribed (Act s. 18(7)(b))

(1) The circumstances and conditions prescribed for the purposes of section 18(7)(b) of the Act in relation to a transaction being the grant of a lease, sublease, licence or sublicence in respect of part of the land within Reserve 38665 are that —

(a) Reserve 38665 is subject to a management order at the time the grant takes effect; and

(b) the grant is in respect of residential premises under a retirement village scheme as defined in the *Retirement Villages Act 1992* section 3(1); and

(c) the management body for Reserve 38665 is a local government at the time the grant takes effect; and

(d) in the case of the grant of a sublease, licence or sublicence, the management body for Reserve 38665 has consented to the grant; and

(e) in the case of the grant of a lease or licence, the term of the lease or licence (including the further term that would apply if any applicable option to renew were exercised) is not longer than the term permitted under the management order for Reserve 38665 subsisting at the time the lease or licence takes effect.

(2) The circumstances and conditions prescribed for the purposes of section 18(7)(b) of the Act in relation to a transaction being the assignment, sale, transfer or other dealing with or disposal of a lease, sublease, licence or sublicence mentioned in subregulation (1), or the mortgage of a lease mentioned in subregulation (1) are that —

(a) Reserve 38665 is subject to a management order at the time the transaction takes effect; and

(b) the transaction is in respect of residential premises under a retirement village scheme as defined in the *Retirement Villages Act 1992* section 3(1); and

(c) the management body for Reserve 38665 is a local government at the time the transaction takes effect.

[Regulation 5B inserted: Gazette 18 Sep 2009 p. 3620-1.]

5C. Certain Perth Convention and Exhibition Centre transactions etc. prescribed (Act s. 18(7)(b))

(1) The circumstances and conditions prescribed for the purposes of section 18(7)(b) of the Act in relation to a transaction being the

grant of any sublease in respect of the land that is the subject of Lease I953026 are that —

(a) the sublease is for the purpose of short stay residential accommodation, in a hotel room, hotel suite or serviced apartment, only; and

(b) under Lease I953026 the consent of the lessor to the grant of the sublease is not required; and

(c) the lessee under Lease I953026 has granted, or consented to the grant of, the sublease; and

(d) the provisions of the sublease are consistent with the provisions of Lease I953026; and

(e) the sublease contains the provisions, and the provisions are in a form, that have been approved by the Minister as being required for subleases mentioned in this subregulation.

(2) The circumstances and conditions prescribed for the purposes of section 18(7)(b) of the Act in relation to a transaction being the assignment, sale, transfer or other dealing with a sublease mentioned in subregulation (1) are that —

(a) under Lease I953026 the consent of the lessor to the transaction is not required; and

(b) the lessee under Lease I953026 has consented to the transaction.

[Regulation 5C inserted: Gazette 18 Sep 2009 p. 3621.]

5D. Certain Old Swan Brewery transactions etc. prescribed (Act s. 18(7)(b))

(1) The circumstances and conditions prescribed for the purposes of section 18(7)(b) of the Act in relation to a transaction being the grant of any sublease in respect of the land that is the subject of Lease I219828 are that —

(a) the sublease is for residential purposes only; and

(b) under Lease I219828 the consent of the lessor to the grant of the sublease is not required; and

(c) the lessee under Lease I219828 has granted, or consented to the grant of, the sublease; and

(d) the provisions of the sublease are consistent with the provisions of Lease I219828; and

(e) the sublease contains the provisions, and the provisions are in a form, that have been approved by the Minister as being required for subleases mentioned in this subregulation.

(2) The circumstances and conditions prescribed for the purposes of section 18(7)(b) of the Act in relation to a transaction being the assignment, sale, transfer or other dealing with a sublease mentioned in subregulation (1) are that —

(a) under Lease I219828 the consent of the lessor to the transaction is not required; and

(b) the lessee under Lease I219828 has consented to the transaction.

[Regulation 5D inserted: Gazette 18 Sep 2009 p. 3621-2.]

5E. Land prescribed (Act s. 51A(1))

Reserve 26741 is land that is prescribed for the purposes of section 51A(1) of the Act.

[Regulation 5E inserted: Gazette 18 Sep 2009 p. 3622.]

5. Procedures to be followed by local government before requesting acquisition of alienated land designated for public purpose (Act s. 52(1)(a))

Before requesting the Minister under section 52(1)(a) of the Act to acquire as Crown land any alienated land designated for a public purpose (the ***subject land***), a local government —

(a) must give to the Minister a written description of the proposed future disposition of the subject land after it has been acquired; and

(b) must give to the Minister written confirmation that the local government has complied with section 52(3) of the Act.

6. Procedures to be followed by local government before requesting acquisition of private road (Act s. 52(1)(b))

(1) Before requesting the Minister under section 52(1)(b) of the Act to acquire as Crown land any private road (the ***subject land***), a local government —

(a) must give to the Minister written confirmation that the local government has resolved to make the request, details of the date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require; and

(b) must give to the Minister written reasons as to why the local government proposes to request the Minister to acquire the subject land; and

(c) must give to the Minister and to the persons given notice under section 52(3)(a) of the Act a sketch plan showing the proposed future disposition of the subject land after it has been acquired; and

(d) must give to the Minister written advice that the local government has taken all reasonable steps to identify the persons who are required to be given notice under section 52(3)(a) of the Act; and

(e) must give to the Minister —

(i) copies of any submissions (other than objections given under section 52(2)(b) of the Act) relating to the proposed request to acquire the subject land that, after complying with the requirements to give notice and advertise under section 52(3)

of the Act, the local government has received; and

(ii) the local government's comments on those submissions;

and

(f) must give to the Minister written confirmation that the local government has complied with section 52(3) of the Act.

[(2) deleted]

[Regulation 6 amended: Gazette 16 Jun 2000 p. 2943.]

7. Procedures to be followed by local government before requesting acquisition of alienated land in a townsite (Act s. 52(1)(c))

Before requesting the Minister under section 52(1)(c) of the Act to acquire as Crown land any alienated land in a townsite that the Minister proposes to abolish (the ***subject land***), a local government —

(a) must comply with regulation 6(1)(a), (b), (d), (e) and (f) as if those paragraphs were set out in this regulation; and

(b) without limiting section 52(3) of the Act, must advertise within the relevant townsite, in a notice placed on a signpost or otherwise in a manner approved by the Minister, the proposed request to acquire the subject land; and

(c) must give to the Minister a written description of the proposed future disposition of the subject land after it has been acquired; and

(d) must give written notice that the local government proposes to request the Minister to acquire the subject land to —

(i) the Heritage Council of Western Australia established under the *Heritage of Western Australia Act 1990*; and

(ii) The National Trust of Australia (W.A.) established under the *National Trust of Australia (W.A.) Act 1964*.

8. Local government request to dedicate land as a road (Act s. 56), requirements for

For the purposes of preparing and delivering under section 56(2)(a) of the Act a request to the Minister to dedicate land as a road, a local government must include with the request —

(a) written confirmation that the local government has resolved to make the request, details of the date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require; and

(b) if an application has been made to the local government under section 56(1)(b)(ii) of the Act, a copy of the application and details of the rateable value of all the rateable land relevant to the application; and

(c) if the request is made in respect of a private road referred to in section 56(1)(c) of the Act —

(i) written confirmation that the public has had uninterrupted use of the private road for a period of not less than 10 years; and

(ii) a description of the section or sections of the public who have had that use; and

(iii) a description of how the private road is constructed;

and

(d) copies of any submissions relating to the request that the local government has received, and the local government's comments on those submissions; and

(e) any other information the local government considers relevant to the Minister's consideration of the request; and

(f) written confirmation that the local government has complied with section 56(2) of the Act.

9. Requirements for closure of road at request of local government (Act s. 58)

(1) Before passing a resolution to make a request to the Minister under section 58(1) of the Act for the Minister to close a road permanently, a local government must publish an advertisement containing —

(a) notice of motion for the resolution; and

(b) an invitation to the public to make submissions to the local government on the proposed closure within the period (the ***submission period***) of 35 days after the day on which the advertisement is published.

(2) The advertisement must be published in either or both of the following ways —

(a) in a newspaper circulating in the district of the local government;

(b) on the website of the local government.

(3) The local government must not pass the resolution to make the request to the Minister unless —

(a) the submission period has ended; and

(b) the local government has considered any submissions made to it within the submission period.

(4) If the advertisement is published in both of the ways referred to in subregulation (2) and the submission periods specified in those publications end on different days, for the purposes of subregulation (3) the submission period is taken to end on the latest of those days.

(5) The local government must include the following with the request to the Minister —

(a) written confirmation that the local government has resolved to make the request, the date when the relevant resolution was passed and any other information relating to the resolution that the Minister may require;

(b) sketch plans showing the location of the road and the proposed future disposition of the land comprising the road after it has been closed;

(c) written confirmation that the local government has complied with subregulations (1) to (3);

(d) a copy of the advertisement referred to in subregulation (1);

(e) copies of any submissions made to the local government within the submission period and the local government's comments on those submissions;

(f) any other information the local government considers relevant to the Minister's consideration of the request.

(6) This regulation does not apply to a request under section 58(1) of the Act to which regulation 9A applies.

[Regulation 9 inserted: SL 2024/119 r. 6.]

9A. Modified requirements for certain requests by local government for closure of road (Act s. 58)

(1) This regulation applies to a request to the Minister by a local government under section 58(1) of the Act for the Minister to close a road permanently if the request relates to land that —

(a) has been reserved, declared or otherwise dedicated as a road; but

(b) has never been used as a road or had a road constructed upon it.

(2) The local government must include the following with the request to the Minister —

(a) written confirmation —

(i) that the request relates to land of the kind referred to in subregulation (1); and

(ii) that the local government has therefore not complied with the requirements set out in regulation 9;

(b) written confirmation that the local government has resolved to make the request, the date when the relevant resolution was passed and any other information relating to the resolution that the Minister may require;

(c) sketch plans showing the location of the road and the proposed future disposition of the land comprising the road after it has been closed;

(d) any other information the local government considers relevant to the Minister's consideration of the request.

[Regulation 9A inserted: SL 2024/119 r. 6.]

9B. Requirements for closure of road on Minister's own initiative (Act s. 58A)

For the purposes of section 58A(2)(b) of the Act, the proposed closure must be advertised on the website of the Department.

[Regulation 9B inserted: SL 2024/119 r. 6.]

10. Manner of advertising prescribed etc. for proposed mall reserve (Act s. 59)

(1) A local government must advertise the purpose and details of a request to reserve Crown land under section 59(1) of the Act as a mall reserve —

(a) in a newspaper circulating in the local government district in which the land is situated; and

(b) in a notice placed on a signpost on the land or otherwise in a manner approved by the Minister.

(2) A local government must include with the request it sends to the Minister under section 59(3) of the Act —

(a) written confirmation that the local government has resolved to make the request, details of the date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require; and

(b) a copy of the advertisement as it appeared in the newspaper referred to in subregulation (1)(a); and

(c) a sketch plan describing the extent of the proposed mall reserve; and

(d) any other information the local government considers relevant to the Minister's consideration of the request; and

(e) written confirmation that the local government has complied with section 59(2) and (3) of the Act.

11. Manner of advertising prescribed etc. for cancelling mall reserve (Act s. 62)

(1) A management body must advertise the purpose and details of a request to cancel a mall reserve under section 62(1) of the Act —

(a) in a newspaper circulating in the local government district in which the mall reserve is situated; and

(b) in a notice placed on a signpost, or otherwise in a prominent position, within the mall reserve; and

(c) in a notice sent to each holder of an interest granted in respect of the mall reserve of the kind referred to in subregulation (2)(c).

(2) The management body is to include with the request it sends to the Minister under section 59(3) of the Act (as read with section 62(2) of the Act) —

(a) written confirmation that the management body has resolved to make the request, details of the date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require; and

(b) a copy of the advertisement as it appeared in the newspaper referred to in subregulation (1)(a); and

(c) written details of any lease, sublease, licence or mortgage that has been granted in respect of the mall reserve; and

(d) any other information the management body considers relevant to the Minister's consideration of the request; and

(e) written confirmation that the management body has complied with section 59(2) and (3) of the Act (as read with section 62(2) of the Act).

12. Procedure to be followed by Minister when determining and altering prices of Crown land (Act s. 74(2)(a))

(1) For the purposes of determining or altering the price or reserve price of any Crown land under section 74(2)(a) of the Act, the Minister must obtain and have regard to the advice of the Valuer-General as to the market value of the land.

(2) Subregulation (1) does not apply to Crown land that was a private road that became Crown land under section 52 of the Act if —

(a) the land is being sold at the request of the local government within whose district the land is situated; and

(b) the purpose of the sale is to allow the land to be amalgamated with adjoining land held in fee simple for the purpose of reducing crime or anti-social behaviour; and

(c) an adjoining land owner did not request the acquisition of the private road under section 52 of the Act for a purpose other than a purpose referred to in paragraph (b); and

(d) the land is being sold to an adjoining land owner.

(3) Subregulation (1) does not apply to —

(a) Crown land that was vested in the Crown under section 20A of the *Town Planning and Development Act 1928* [1] as a right of way or pedestrian access way; or

(b) land referred to in section 167A(2)(b) of the *Transfer of Land Act 1893*; or

(c) land shown and marked on a plan of subdivision of Crown land as a pedestrian accessway, right of way, or other similar use,

if —

(d) the land is being sold at the request of the local government within whose district the land is situated; and

(e) the purpose of the sale is to allow the land to be amalgamated with adjoining land held in fee simple for the purpose of reducing crime or antisocial behaviour; and

(f) an adjoining land owner did not request the sale of the land for a purpose other than a purpose referred to in paragraph (e); and

(g) the land is being sold to an adjoining land owner.

(4) Subregulation (1) does not apply if, after having regard to —

(a) the location of the relevant Crown land; and

(b) the area of the relevant Crown land; and

(c) the value of land adjoining or in the neighbourhood of the relevant Crown land; and

(d) other factors that might affect the value of the relevant Crown land,

the Minister is of the opinion that the market value of the relevant Crown land is less than $1 000.

[Regulation 12 amended: Gazette 16 Jun 2000 p. 2943-5; 5 Mar 2004 p. 699.]

13. Requirements for entering joint ventures prescribed (Act s. 78(1))

(1) The Minister may enter into a joint venture with another person (the ***other joint venturer***) under section 78(1) of the Act for the purpose of developing and selling Crown land if the other joint venturer —

(a) is a local government or a State instrumentality; or

(b) is a person —

(i) who is the holder of the freehold in land adjoining the Crown land to be developed and sold by the joint venture; and

(ii) whose financial circumstances and professional standing are considered by the Minister to be satisfactory for the purposes of the joint venture;

or

(c) is determined by public tender or any other process in which the public is given an opportunity to participate.

(2) Before Crown land that is developed by a joint venture entered into by the Minister under section 78(1) of the Act is sold, the Minister must obtain and have regard to the advice of the Valuer-General as to the market value of the land.

14. Conditions prescribed (Act s. 89)

If the Minister grants an application under section 89(1) of the Act by the holder of a lease, other than a pastoral lease or diversification lease, of any Crown land to purchase —

(a) the fee simple of the Crown land; or

(b) an option to purchase that fee simple,

the holder of the lease —

(c) must comply with all the terms and conditions of the lease, other than any term or condition specified by the Minister in writing; and

(d) must consult the local government, or each local government, within the district of which the whole, or any portion, of the Crown land is situated; and

(e) must ensure that there is a means of lawful access (whether by road, easement, right of way or otherwise) —

(i) to the Crown land; or

(ii) if the Crown land is to be amalgamated with other land under section 87 of the Act, to that other land.

[Regulation 14 amended: SL 2023/128 r. 4.]

15. Phasing in of increased rents for pastoral leases (Act s. 124A)

(1) This regulation applies, for the purposes of section 124A of the Act, to the annual rent for a pastoral lease (the ***2019 determined rent***) that, as the result of a determination under section 123 of the Act as at 1 July 2019, is greater than 120% of the ***2014 determined rent*** (see subregulation (2)).

(2) The ***2014 determined rent*** is the annual rent for the pastoral lease that applied immediately before the determination referred to in subregulation (1).

(3) Subregulations (4) and (5) apply if the 2019 determined rent is not greater than 144% of the 2014 determined rent.

(4) Instead of the 2019 determined rent, the annual rent payable for the pastoral lease as at 1 July 2019 is 120% of the 2014 determined rent.

(5) The annual rent payable for the pastoral lease as at 1 July 2020 is the 2019 determined rent.

(6) Subregulations (7) and (8) apply if the 2019 determined rent is greater than 144% of the 2014 determined rent.

(7) Instead of the 2019 determined rent, the annual rent payable for the pastoral lease —

(a) as at 1 July 2019, is 120% of the 2014 determined rent; and

(b) as at 1 July 2020, is 144% of the 2014 determined rent.

(8) The annual rent payable for the pastoral lease as at 1 July 2021 is the 2019 determined rent.

[Regulation 15 inserted: Gazette 28 Jun 2019 p. 2484-5.]

16. Rate of interest prescribed (Act s. 125(4))

The rate of interest for the purposes of section 125(4) of the Act is 10% a year, calculated daily.

17. Fees (Sch. 1)

(1) The fees set out in Schedule 1 are payable to the chief executive officer in relation to the services provided by the Department for and on behalf of the Minister that are mentioned in that Schedule.

(1A) For the purposes of Schedule 1 item 1 —

(a) a permit, prepared for issue under Part 7 Division 5 of the Act, is classified as moderate; and

(aa) a permit, prepared for renewal, transfer or amendment under Part 7 Division 5 of the Act, is classified as simple; and

(b) any other document to which that item applies is classified as simple, moderate or complex according to the Minister's assessment of the costs incurred by the Department in the preparation of a document of that kind.

(2) The Minister may waive —

(a) the fee payable for a survey of land under item 9 of Schedule 1, if the survey is required in respect of roads through Crown land; or

(b) a fee payable under any other item of Schedule 1, if the Minister considers that it is in the public interest to do so.

[Regulation 17 amended: Gazette 10 Apr 2001 p. 2074; 27 Jun 2017 p. 3436; SL 2026/116 r. 4.]

17A. Geocentric Datum of Australia 2020 prescribed (Act s. 5A)

(1) In this regulation —

Geocentric Datum of Australia 2020 means the Reference Frame as defined in the *National Measurement (Recognized-Value Standard of Measurement of Position) Determination 2026* (Cth) clause 5.

(2) For the purposes of section 5A(1) of the Act, the Geocentric Datum of Australia 2020 is prescribed.

[Regulation 17A inserted: SL 2020/64 r. 4; amended: SL 2026/232 r. 4.]

17B. Acts prescribed (Act s. 18(8)(b)(ii))

For the purposes of section 18(8)(b)(ii) of the Act, the following Acts are prescribed —

(a) the *Carbon Rights Act 2003*;

(b) the *Local Government Act 1995*;

(c) the *Tree Plantation Agreements Act 2003*.

[Regulation 17B inserted: Gazette 10 Apr 2001 p. 2074; amended: Gazette 18 Sep 2009 p. 3622.]

17C. Stock prescribed (Act s. 93 *authorised stock*)

For the purposes of the definition of authorised stock in section 93 of the Act the following stock is prescribed —

(a) sheep (ovis aries); and

(b) cattle (bos indicus, bos taurus); and

(c) horses (equus caballas); and

(d) goats (capra hircus); and

(e) stock kept for domestic or household use.

[Regulation 17C inserted: Gazette 10 Apr 2001 p. 2074; amended: Gazette 27 Aug 2002 p. 4355.]

17D. Longer period prescribed (Act 143(6g) etc.)

A period longer than 2 years is prescribed for the purposes of —

(a) section 143(6g) of the Act; and

(b) section 48(6) of the *Land Administration Amendment Act 2000*,

that has the effect that the ***final day*** referred to in those provisions is 17 December 2004.

[Regulation 17D inserted: Gazette 24 Nov 2004 p. 5255-6.]

17E. Circumstances prescribed (Act s. 75(7a))

(1) In this regulation —

Jolimont land means Lots 101 and 102 on Deposited Plan 404549, being the whole of the land in Certificate of Title Volume 2890 Folio 6 and Certificate of Title Volume 2890 Folio 7;

Knutsford land means all of the following —

(a) Lots 1186 to 1192, 1197 to 1200, 1207, 1208, 1213 and 1214 on Deposited Plan 40767, being the whole of the land in Certificates of Title Volume 2183 Folio 606 to 620;

(b) Lot 1215 on Deposited Plan 40767, being the whole of the land in Certificate of Title Volume 1686 Folio 343;

(c) Lot 1725 on Deposited Plan 40767, being the whole of the land in Certificate of Title Volume 1044 Folio 112;

Mosman Park land means any part of Lot 591 on Deposited Plan 68376, being the whole of the land in Certificate of Title Volume 2741 Folio 263;

Narrogin land means any of the following —

(a) Lot 36 on Deposited Plan 222890, being the whole of the land in Certificate of Title Volume 411 Folio 169;

(b) Lot 206 on Deposited Plan 222890, being the whole of the land in Certificate of Title Volume 444 Folio 127;

(c) Lot 46 on Deposited Plan 222890 and portion of Lot 264 on Deposited Plan 110059, being the whole of the land in Certificate of Title Volume 1908 Folio 583.

(2) The Minister may exercise the power described in section 75(7a) of the Act if the application under section 75(7) of the Act is made by the Shire of Narrogin in respect of Narrogin land.

(3) The Minister may exercise the power described in section 75(7a) of the Act if the application under section 75(7) of the Act is made by the Western Australian Land Authority in respect of Jolimont land.

(4) The Minister may exercise the power described in section 75(7a) of the Act if the application under section 75(7) of the Act is made by the Trustees of Public Education Endowment in respect of the Knutsford land.

(5) The Minister may exercise the power described in section 75(7a) of the Act if the application under section 75(7) of the Act is made by Rocky Bay Limited (ACN 636 892 898) in respect of Mosman Park land.

[Regulation 17E inserted: Gazette 6 Sep 2016 p. 3826-7; amended: Gazette 6 Sep 2016 p. 3825-6; SL 2021/189 r. 4.]

17F. Commonwealth agencies prescribed (Act s. 275A(1) *public authority*)

For the purposes of the definition of ***public authority*** in section 275A(1) of the Act, the following Commonwealth agencies are prescribed —

(a) the Australian Electoral Commission established by the *Commonwealth Electoral Act 1918* (Commonwealth);

(b) the Australian Air Force established by the *Defence Act 1903* (Commonwealth);

(c) the Australian Regular Army established by the *Defence Act 1903* (Commonwealth);

(d) the Australian Bureau of Statistics established by the *Australian Bureau of Statistics Act 1975* (Commonwealth);

(e) the Commonwealth agency known as Centrelink at the time the *Land Administration Amendment Regulations 2012* came into operation;

(f) the department of the Commonwealth public service principally assisting the Commonwealth Minister in the administration of any of the following Acts —

(i) the *Primary Industries Levies and Charges Collection Act 1991*;

(ii) the *Quarantine Act 1908*;

(iii) the *Export Control Act 1982*;

(iv) the *Imported Food Control Act 1992*.

[Regulation 17F inserted: Gazette 6 Jul 2012 p. 3024-5.]

Part 3 — Surveys

18. Terms used

In this Part —

authorised survey means an authorised survey within the meaning of the *Licensed Surveyors Act 1909*;

departmental surveyor means a person employed or engaged by the Department to carry out a survey;

survey means an authorised survey, or any other survey, carried out for the purposes of the Act.

19. Doubts etc. about survey, duties of departmental surveyor as to

A departmental surveyor carrying out a survey must give written notice to the chief executive officer of the Department of —

(a) any doubts about the survey; and

(b) any discrepancies found in existing surveys, data or plans; and

(c) any difficulties encountered while carrying out the survey; and

(d) any other matters adversely affecting the Crown,

as soon as practicable after they come to the surveyor's attention.

20. Authorised land officer's powers for Act s. 32

(1) For the purposes of section 32 of the Act, an authorised land officer may, by written notice given within 2 years after the survey was lodged, require a departmental surveyor to amend, or to provide more information in relation to, a survey.

(2) If a departmental surveyor (***surveyor at fault***) does not make the amendment or provide the information within the time specified in the notice the authorised land officer may —

(a) arrange for another surveyor to make the amendment or provide the information; and

(b) by written notice require the surveyor at fault to pay the costs of having the amendment made, or the information provided, by the other surveyor.

(3) If the surveyor at fault does not pay those costs within the time specified in the notice, the authorised land officer may recover the costs as a debt due to the Crown by action in a court of competent jurisdiction.

21. Alternative methodology for authorised surveys in special cases

(1) An authorised land officer may, by written notice, authorise a departmental surveyor to carry out an authorised survey in a manner different from that required by the *Licensed Surveyors (Guidance of Surveyors) Regulations 1961* if the officer is satisfied that —

(a) the value of the relevant land does not justify carrying out a survey in the manner required by those regulations; or

(b) the nature of the relevant land makes it impracticable to carry out a survey in the manner required by those regulations; or

(c) other special circumstances exist that justify carrying out the survey in a manner different from that required by those regulations.

(2) An authorised land officer may vary or revoke an authorisation under this regulation at any time by giving written notice to the departmental surveyor to whom the authorisation was granted.

22. Documents of departmental surveyor are Crown property

All documents (including surveys, plans, digital information, field books and notes, and sketches) created by a departmental surveyor in the course of carrying out a survey, and all information contained in those documents, are the property of the Crown.

23. Inconsistency with *Licensed Surveyors (Guidance of Surveyors) Regulations 1961*

If there is any inconsistency between these regulations and the *Licensed Surveyors (Guidance of Surveyors) Regulations 1961* in relation to the manner in which a survey is to be carried out, these regulations prevail to the extent of the inconsistency.

Part 4 — Advisory panels

24. Terms used

In this Part —

member means a member of a panel;

panel means an advisory panel appointed under section 73 of the Act;

relevant matter means a matter in respect of which a panel has been appointed to advise the Minister.

25. Members of panels

A panel is to consist of 3 members, or any greater number that the Minister thinks fit, one of whom is to be appointed by the Minister as chairperson.

26. Remuneration of members

A member, other than an officer of the Department, is to be paid the remuneration and travelling and other allowances determined in his or her case by the Minister on the recommendation of the Public Sector Commissioner.

[Regulation 26 amended: Gazette 11 Feb 2011 p. 506-7.]

27. Term of office

(1) Subject to subregulations (3) and (4), a member holds office for the term specified in the member's instrument of appointment.

(2) A member's term of office may be expressed as expiring when the panel to which the member is appointed has finished providing advice to the Minister on all relevant matters.

(3) A member may resign by giving written notice to the Minister.

(4) The Minister may remove a member from a panel if the Minister is satisfied that the member has neglected, or is

incapable of properly performing, his or her functions as a member of the panel.

28. Member unable to act

(1) If a member, other than the chairperson, is unable to act by reason of illness, absence or other cause, the Minister may appoint another person to act temporarily in his or her place and, while acting according to the tenor of his or her appointment, that other person is to be taken to be a member.

(2) No act or omission of a person acting in place of a member under subregulation (1) is to be questioned on the ground that the occasion for his or her appointment or acting had not arisen or had ceased.

29. Calling of meetings

The chairperson of a panel must convene a meeting of the panel —

(a) when directed by the Minister to do so; and

(b) at any other times determined by the panel.

30. Who presides at meetings

The chairperson of a panel must preside at all meetings of the panel.

31. Quorum

A quorum for a meeting of a panel is all members of the panel.

32. Voting

(1) At a meeting of a panel a decision of a majority of members is the decision of the panel.

(2) Subject to subregulation (3), at a meeting of a panel each member has one vote.

(3) If the votes cast on a question are equally divided, the chairperson has a casting vote.

33. Minutes

A panel must cause accurate minutes to be kept of the proceedings at its meetings.

34. Telephone or video meetings

A meeting of a panel may be held by telephone, video link-up or other electronic means if each member is able to communicate with every other member instantaneously at all times during the meeting.

35. How panel is to inform itself

(1) A panel may inform itself about a relevant matter in any manner it considers appropriate, including —

(a) accepting oral or written submissions; and

(b) reading documents; and

(c) holding public hearings under regulation 36.

(2) A panel must take reasonable steps (such as the publication of a public notice) to ensure that persons who may have an interest in a relevant matter are notified that the panel is considering the matter and will accept submissions in relation to it.

(3) If a person notifies the chairperson in writing that he or she wishes to make a submission on a relevant matter, the panel must give the person a reasonable opportunity to do so.

(4) A person must not provide information to a panel that the person knows to be —

(a) false or misleading in a material particular; or

(b) likely to deceive in a material way.

Penalty: $1 000.

[Regulation 35 amended: Gazette 5 Mar 2004 p. 700.]

36. Public hearings

(1) A panel may conduct public hearings in order to obtain information in relation to a relevant matter.

(2) A panel must take reasonable steps to publicize a public hearing.

(3) A person must not cause a disturbance during a public hearing.

Penalty: $500.

(4) The chairperson may cause to be removed from a public hearing any person the panel considers is causing a disturbance during the hearing.

37. Panel to determine own procedures

Subject to these regulations and any directions of the Minister, the panel may determine its own procedures.

38. Conflict of interest

A member who has a material personal interest in a relevant matter —

(a) must resign from the panel as soon as possible after the relevant facts have come to the member's knowledge; and

(b) must take no further part in the panel's proceedings in relation to that matter.

Penalty: $1 000.

39. Confidentiality

A person who is, or has been, a member must not, directly or indirectly, record, disclose or make use of any information obtained in the course of his or her membership except —

(a) for the purpose of performing his or her functions under the Act or these regulations; or

(b) as otherwise required or allowed by law; or

(c) with the written consent of the person to whom the information relates.

Penalty: $1 000.

Schedule 1 — Fees payable to chief executive officer

[r. 17]

[Heading amended: SL 2021/103 r. 4(1).]

			$
1.	For preparing a lease or, subject to item 8, any other document prepared for the purposes of the Act —		
	(a)	a lease or document classified as simple	218.90
	(b)	a lease or document classified as moderate	844.80
	(c)	a lease or document classified as complex	1 542.20
1A.	For an application under Part 7 Division 5 of the Act —		
	(a)	for the issue of a permit —	
		(i) an application fee	172.70
		(ii) plus the fee prescribed under item 1(b)	
	(b)	for the renewal, transfer or amendment of a permit —	
		(i) an application fee	172.70
		(ii) plus the fee prescribed under item 1(a)	

[2-4 deleted]

5.	For advertising by the Minister under the Act —		
	(a)	minimum fee	85.00
	(b)	plus any additional amount by which the cost of advertising is greater than $85.00 (payable when the cost is known)	

[6 and 7 deleted]

8. The fees payable for the following services are those assessed in each case by the Minister, but any fee assessed for a service is not to exceed the cost of providing the service —

    (a) for a diagram drawn or certified on a transfer, surrender, mortgage, application or other instrument;

(b) for the creation and certification of a plan, diagram or other document;

(c) for a map or colouring of a map on a copy of a plan, diagram or other document;

(d) for a copy of a document, whether by photocopying or otherwise;

(e) for the performance, for the purposes of the Act, of any service not mentioned in this Schedule.

9.	For a survey of land, including preparation of survey plans or diagrams	The cost of providing the service, including any applicable taxes

[Schedule 1 amended: Gazette 16 Jun 2000 p. 2950; 13 Jul 2001 p. 3509; 27 Aug 2002 p. 4355; 30 Jun 2003 p. 2569; 17 Feb 2006 p. 703; 22 Jun 2007 p. 2848; 30 May 2008 p. 2072; 23 Jun 2009 p. 2482; 6 Dec 2011 p. 5131; 13 Oct 2015 p. 4063; 27 Jun 2017 p. 3436; 22 Jun 2018 p. 2182; 18 Jun 2019 p. 2057; SL 2021/103 r. 4; SL 2022/90 r. 4; SL 2023/61 r. 4; SL 2024/115 r. 4; SL 2025/108 r. 4; SL 2026/116 r. 5.]

Notes

This is a compilation of the *Land Administration Regulations 1998* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table.

Compilation table

Citation	Published	Commencement
Land Administration Regulations 1998	27 Mar 1998 p. 1741-61	30 Mar 1998 (see r. 2 and *Gazette* 27 Mar 1998 p. 1765)
Land Administration Amendment Regulations 1998	20 Nov 1998 p. 6267-8	20 Nov 1998
Land Administration Amendment Regulations 2000	16 Jun 2000 p. 2943-5	16 Jun 2000
Land Administration Amendment Regulations (No. 2) 2000	16 Jun 2000 p. 2950	1 Jul 2000 (see r. 2)
Land Administration Amendment Regulations (No. 3) 2000	15 Dec 2000 p. 7209-10	16 Dec 2000 (see r. 2 and *Gazette* 15 Dec 2000 p. 7201)
Land Administration Amendment Regulations 2001	10 Apr 2001 p. 2073-4	11 Apr 2001 (see r. 2 and *Gazette* 10 Apr 2001 p. 2073)
Land Administration Amendment Regulations (No. 2) 2001	13 Jul 2001 p. 3509	13 Jul 2001 (see r. 2)
Land Administration Amendment Regulations 2002	27 Aug 2002 p. 4354-5	27 Aug 2002
Reprint of the *Land Administration Regulations 1998* as at 6 Sep 2002 (includes amendments listed above)		
Land Administration Amendment Regulations (No. 3) 2003	27 Jun 2003 p. 2395-6	1 Jul 2003 (see r. 2)
Land Administration Amendment Regulations (No. 2) 2003	30 Jun 2003 p. 2569	7 Jul 2003 (see r. 2)
Land Administration Amendment Regulations 2004	5 Mar 2004 p. 699-700	5 Mar 2004
Land Administration Amendment Regulations (No. 2) 2004 [2]	16 Nov 2004 p. 5068	16 Nov 2004
Land Administration Amendment Regulations (No. 5) 2004	24 Nov 2004 p. 5255-6	24 Nov 2004
Land Administration Amendment Regulations 2006	17 Feb 2006 p. 703	17 Feb 2006

Citation	Published	Commencement
Reprint 2: The *Land Administration Regulations 1998* as at 9 Jun 2006 (includes amendments listed above)		
Land Administration Amendment Regulations (No. 3) 2006	29 Dec 2006 p. 5896	1 Jan 2007 (see r. 2 and *Gazette* 8 Dec 2006 p. 5369)
Land Administration Amendment Regulations 2007	22 Jun 2007 p. 2847-8	1 Jul 2007 (see r. 2)
Land Administration Amendment Regulations 2008	30 May 2008 p. 2072	1 Jul 2008 (see r. 2)
Land Administration Amendment Regulations 2009	23 Jun 2009 p. 2482	r. 1 and 2: 23 Jun 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2009 (see r. 2(b))
Reprint 3: The *Land Administration Regulations 1998* as at 28 Aug 2009 (includes amendments listed above)		
Land Administration Amendment Regulations (No. 3) 2009	18 Sep 2009 p. 3619-22	r. 1 and 2: 18 Sep 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 19 Sep 2009 (see r. 2(b))
Land Administration Amendment Regulations (No. 2) 2009	24 Dec 2009 p. 5297-8	r. 4: 1 Jul 2009 (see r. 2(c)); r. 1 and 2: 24 Dec 2009 (see r. 2(a)); r. 3: 25 Dec 2009 (see r. 2(b))
Public Sector Reform (Consequential Amendments) Regulations 2011 r. 20	11 Feb 2011 p. 502-7	12 Feb 2011 (see r. 2(d))
Land Administration Amendment Regulations 2011	6 Dec 2011 p. 5130-1	r. 1 and 2: 6 Dec 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 7 Dec 2011 (see r. 2(b))
Land Administration Amendment Regulations (No. 2) 2012	23 Mar 2012 p. 1370-1	r. 1 and 2: 23 Mar 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 24 Mar 2012 (see r. 2(b))
Land Administration Amendment Regulations 2012	6 Jul 2012 p. 3023-5	r. 1 and 2: 6 Jul 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 7 Jul 2012 (see r. 2(b))
Reprint 4: The *Land Administration Regulations 1998* as at 17 Aug 2012 (includes amendments listed above)		
Land Administration Amendment Regulations 2013	16 Jul 2013 p. 3247-8	r. 1 and 2: 16 Jul 2013 (see r. 2(a));

Citation	Published	Commencement
		Regulations other than r. 1 and 2: 17 Jul 2013 (see r. 2(b))
Land Administration Amendment Regulations 2015	13 Oct 2015 p. 4062-3	r. 1 and 2: 13 Oct 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 14 Oct 2015 (see r. 2(b))
Land Administration Amendment Regulations 2016	6 Sep 2016 p. 3825-6	r. 1 and 2: 6 Sep 2016 (see r. 2(a)); Regulations other than r. 1 and 2: 7 Sep 2016 (see r. 2(b) and *Gazette* 6 Sep 2016 p. 3826)
Land Administration Regulations Amendment Regulations 2016 Pt. 2	6 Sep 2016 p. 3826-7	7 Sep 2016 (see r. 2(b))
Land Administration Amendment Regulations (No. 2) 2017	27 Jun 2017 p. 3435-6	r. 1 and 2: 27 Jun 2017 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2017 (see r. 2(b))
Land Administration Amendment Regulations 2018	22 Jun 2018 p. 2181-2	r. 1 and 2: 22 Jun 2018 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2018 (see r. 2(b))
Land Administration Amendment Regulations 2019	18 Jun 2019 p. 2056-7	r. 1 and 2: 18 Jun 2018 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2019 (see r. 2(b))
Land Administration Amendment Regulations (No. 2) 2019	28 Jun 2019 p. 2484-5	r. 1 and 2: 28 Jun 2019 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2019 (see r. 2(b))
Land Regulations Amendment (Geocentric Datum) Regulations 2020 Pt. 2	SL 2020/64 22 May 2020	1 Jul 2020 (see r. 2(b))
Land Administration Amendment Regulations 2021	SL 2021/103 29 Jun 2021	r. 1 and 2: 29 Jun 2021 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2021 (see r. 2(b))
Land Administration Amendment Regulations (No. 2) 2021	SL 2021/189 19 Nov 2021	r. 1 and 2: 19 Nov 2021 (see r. 2(a)); Regulations other than r. 1 and 2: 20 Nov 2021 (see r. 2(b))

Citation	Published	Commencement
Land Administration Amendment Regulations 2022	SL 2022/90 17 Jun 2022	r. 1 and 2: 17 Jun 2022 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2022 (see r. 2(b))
Land Administration Amendment Regulations 2023	SL 2023/61 2 Jun 2023	r. 1 and 2: 2 Jun 2023 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2023 (see r. 2(b))
Land Administration Amendment Regulations (No. 2) 2023	SL 2023/128	r. 1 and 2: 9 Aug 2023 (see r. 2(a)); Regulations other than r. 1 and 2: 10 Aug 2023 (see r. 2(b) and SL 2023/132 cl. 2)
Land Administration Amendment Regulations (No. 2) 2024	SL 2024/115 26 Jun 2024	r. 1 and 2: 26 Jun 2024 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2024 (see r. 2(b))
Land Administration Amendment Regulations 2024	SL 2024/119 26 Jun 2024	r. 1 and 2: 26 Jun 2024 (see r. 2(a)); Regulations other than r. 1 and 2: 27 Jun 2024 (see r. 2(b) and SL 2024/120 cl. 2)
Land Administration Amendment Regulations 2025	SL 2025/108 25 Jun 2025	r. 1 and 2: 25 Jun 2025 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2025 (see r. 2(b))
Land Administration Amendment Regulations 2026	SL 2026/116 24 Jun 2026	r. 1 and 2: 24 Jun 2026 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2026 (see r. 2(b))
Lands Legislation Amendment (Geocentric Datum) Regulations 2026 Pt. 2	SL 2026/232 11 Nov 2026	12 Nov 2026 (see r. 2(b))

Other notes

[1] Repealed by the *Planning and Development (Consequential and Transitional Provisions) Act 2005*.

[2] Published again in *Gazette* 19 Nov 2004 p. 5081 but amendment of 19 Nov 2004 has no effect.

Defined terms

[This is a list of terms defined and the provisions where they are defined. The list is not part of the law.]

Defined term	Provision(s)
2014 determined rent	15(2)
2019 determined rent	15(1)
authorised survey	18
Crown land transaction	3A(3)
departmental surveyor	18
Geocentric Datum of Australia 2020	17A(1)
Jolimont land	17E(1)
Knutsford land	17E(1)
marine navigational aid	3(1)
member	24
Mosman Park land	17E(1)
Narrogin land	17E(1)
other joint venturer	13(1)
panel	24
relevant matter	24
subject land	5, 6(1), 7
submission period	9(1)
survey	18
survey mark	3(1)
surveyor at fault	20(2)
telecommunications network	3(1)

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