

Land Administration Amendment Bill 2009

CONTENTS

1.	Short title	2
2.	Commencement	2
3.	Act amended	2
4.	Section 123 amended	2
5.	Section 124A inserted	2
	124A. Phasing in of increased rents after determination by Valuer-General	2
6.	Section 143 amended	3
7.	<i>Valuation of Land Act 1978</i> amended	4
	5A. Unimproved value: pastoral leases	4

Western Australia

LEGISLATIVE ASSEMBLY

(As amended during consideration in detail)

Land Administration Amendment Bill 2009

A Bill for

An Act to amend the *Land Administration Act 1997* and, in consequence, the *Valuation of Land Act 1978*.

The Parliament of Western Australia enacts as follows:

s. 1

1 **1. Short title**

2 This is the *Land Administration Amendment Act 2009*.

3 **2. Commencement**

4 This Act comes into operation as follows —

5 (a) sections 1 and 2 — on the day on which this Act
6 receives the Royal Assent;

7 (b) the rest of the Act — on the day after that day.

8 **3. Act amended**

9 Except as stated in section 7, this Act amends the *Land*
10 *Administration Act 1997*.

11 **4. Section 123 amended**

12 In section 123(1) delete “section” and insert:

13

14 sections 124A and

15

16 **5. Section 124A inserted**

17 After section 123 insert:

18

19 **124A. Phasing in of increased rents after determination by**
20 **Valuer-General**

21 (1) In this section —

22 *annual rent*, for a pastoral lease, includes the rent
23 determined under section 123 for the purposes of
24 section 124(1)(a);

25 *determination* means a determination by the
26 Valuer-General under section 123;

- 1 ***determined annual rent*** means the annual rent for a
2 pastoral lease that may be phased in by regulations
3 made for the purposes of subsection (2).
- 4 (2) The regulations may provide for the phasing in of the
5 annual rent for a pastoral lease that, as the result of a
6 determination, is greater than the annual rent for the
7 lease that applied immediately before the
8 determination.
- 9 (3) Regulations made for the purposes of subsection (2)
10 may provide that the annual rent payable for the
11 pastoral lease is, instead of the determined annual rent,
12 an amount —
- 13 (a) that is less than the determined annual rent; and
14 (b) that is calculated as set out in the regulations.
- 15 (4) Regulations made for the purposes of subsection (2)
16 must have the effect that, within a period not greater
17 than 3 years after the determination, the annual rent
18 payable for the pastoral lease is an amount equal to the
19 determined annual rent.
- 20 (5) Regulations made for the purposes of subsection (2) in
21 relation to a determination as at 1 July 2009 may be
22 expressed to have effect from that day despite that day
23 being earlier than —
- 24 (a) the day on which the regulations are published
25 in the *Gazette*; or
- 26 (b) the day on which the *Land Administration*
27 *Amendment Act 2009* section 5 comes into
28 operation.

30 **6. Section 143 amended**

31 Delete section 143(2), (3) and (4).

s. 7

1 **7. *Valuation of Land Act 1978 amended***

2 (1) This section amends the *Valuation of Land Act 1978*.

3 (2) After section 4 insert:

4

5 **5A. Unimproved value: pastoral leases**

6 (1) In this section —

7 *pastoral lease* has the meaning given in the *Land*
8 *Administration Act 1997* section 3(1).

9 (2) For the purposes of determining, for paragraph (b)(i) of
10 the definition of *unimproved value* in section 4(1), the
11 amount of the annual rental reserved by a pastoral
12 lease, any effect on that amount that would result from
13 regulations made for the purposes of the *Land*
14 *Administration Act 1997* section 124A(2) is to be
15 disregarded.

16

17

18
