



PARLIAMENT OF WESTERN AUSTRALIA

**STANDING COMMITTEE ON
LEGISLATION**

REPORT

ON

***THE LAND AMENDMENT
(TRANSMISSION OF INTEREST) BILL
1992***

Presented by -

THE HONOURABLE GARRY KELLY, MLC

April 1992

MEMBERS

Hon Garry Kelly MLC (Chairman)
Hon John Caldwell MLC
Hon Cheryl Davenport MLC
Hon Peter Foss MLC
Hon Derrick Tomlinson MLC

STAFF

Mrs Jennie Westaway, Advisory Research Officer
Ms Jan Paniperis, Committee Clerk

STANDING COMMITTEE ON LEGISLATION

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LAND AMENDMENT (TRANSMISSION OF INTEREST) BILL 1992

A. INTRODUCTION

1. The Land Amendment (Transmission of Interest) Bill 1992 was referred to the Legislation Committee on Thursday, December 5, 1991 prior to the conclusion of the second reading debate, on a motion of the Hon Barry House.
2. An advertisement calling for submissions was published in "The West Australian" on Saturday, December 21, 1991. No written submissions were received.

B. INVESTIGATIONS

3. The Committee met with Mr Dan Collins - Manager of Land & Property Services, Department of Land Administration and Mr Warren Hopkins - Consultant, Systems and Review of the Department of Land Administration on March 5, 1992 and again on April 2 and 9, 1992.

4. Mr Collins told the Committee that :-

"The basic concept is that we want to allow interests to continue in being while we change head tenure. The need for the legislation arose out of recent clarification by the Crown Law Department that we cannot do anything to Crown Land unless we first get rid of any prevailing interests, such as leases or whatever, which may be registered against or subsisting over that land."

5. Mr Collins explained that the benefits and advantages of the legislation will :-

"...enable a continuity of interest without having remove them; it will afford a certainty of surveyed lots for each of the parties; it will enable interest to be registered where it is not currently registered; and, it will offer reductions in delays and conveyancing overheads."

6. The Committee was also told that the Department of Land Administration had "...a couple of deals hanging off for the legislation.." that it was desired to put through the Bill in the "...current financial year to meet our budgetary targets." Therefore, it was emphasised that it would be appropriate to have the legislation "..passed this session".

7. In discussing the legislation with the Departmental representatives, various concerns were raised by the Hon Peter Foss with the drafting of certain clauses.
8. In particular, the Hon Peter Foss was concerned that by making approval of the continuation of interests subject to Ministerial discretion, the balance of power between Government and individuals would change so that the rights of the individual would not be preserved.
9. Specific reference was made by the Hon Peter Foss to the proposed amendments to Section 34B(1). The section as it presently stands provides a person with an absolute right to have his lease continued. Under the proposed amendments, the right becomes subject to the approval of the Minister. Mr Foss said:-

"There does not appear to be any particular basis upon which the Minister is or is not allowed to decide to have it continued. When the Bill is supposedly making interest in land more secure, I cannot understand why under section 34B we are taking away a person's absolute right and giving it to the discretion of the Minister."

10. The obvious related concern was that should the Minister not approve continuation, the legislation was unclear on the intent as to the procedure for dealing with such leases. It seemed impossible that the interest would simply disappear.
11. The Committee therefore recommended that these matters be looked at by Parliamentary Counsel and that the parties return to the Committee with these concerns addressed by a redrafting exercise.
12. Mr Collins provided the Committee with Parliamentary Counsel's amendments and these were approved at the meeting of the Committee on April 9, 1992.

C. CONCLUSION

13. The Committee wishes to state that the drafting of the legislation is far from satisfactory and were it left to the Committee then the recommendation would be that the Bill be redrafted. In fact, unless there is some pressing need for the legislation that is what the Committee recommends.
14. Specifically, the procedures to be followed are so complex if ascertained merely from the wording of the Bill they defy understanding. The Committee was able to understand only because of the explanation of the two officers which was accompanied by a diagram that showed how it actually worked. So as to make this diagram among the materials that are available for interpretation pursuant to the Interpretation Act, the diagram is attached as a Schedule to this report. In many ways, the diagram is clearer and more easily understood than the Bill.
15. The Committee also notes that it remains unsure of the consequences of s.149B(9) such that:-
 - (a) what is the effect on these interests?
 - (b) what is the situation with indefeasibility?

and accordingly recommends that the Bill not be proceeded with until this subsection is clarified to ensure that no person who has an interest which is referred to in that subsection will have that interest in any way affected by this subsection.

This may require further redrafting.

LEGISLATIVE ASSEMBLY

(As amended in Committee)

A BILL

FOR

AN ACT to amend the *Land Act 1933* and to validate and deal with certain leases or other interests.

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Land Amendment (Transmission of Interests) Act 1992*.

Commencement

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2. This Act shall come into operation on the day on which it receives the Royal Assent.

No. 62—1BB

01062/6/91

Principal Act

3. In this Act, the *Land Act 1933** is referred to as the principal Act.

5 [*Reprinted as at 2 May 1985.

For subsequent amendments, see 1990 Index to Legislation of Western Australia, p. 84.]

Section 34B amended

4. Section 34B of the principal Act is amended—
10 (a) in subsection (1) by—

(i) deleting "and any lease" and substituting the following—

" but any estate or interest ";

15 (ii) inserting after "lawfully granted over" the following—

" or caveat lodged in respect of ";

(iii) deleting the passage beginning with "shall continue" and ending with "Her Majesty were the lessor." and substituting the following—

20 " shall, if the Minister has already given his approval to the continuation of that estate or interest or caveat under a condition to which the Order in Council revoked was subject or,
25 not having given such an approval, gives his approval in writing to the continuation of that estate or interest or caveat, continue, in the case of land which—

(a) remains reserved under this Act;

(b) becomes Crown land; or

- (c) having become Crown land, is subsequently reserved under this Act,

subject to and in accordance with the terms of that estate or interest or subject to that caveat as if—

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- (d) that land not being vested in another person under an Order made under section 33 (2), Her Majesty; or

- (e) that land being vested in another person under an Order made under 10 section 33 (2), the other person,

were the person in whom that land was so vested at the time when that estate or interest was created or that caveat was lodged, as the case requires. "

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and

- (b) in subsection (2) by deleting the passage beginning with "the person thereto" and ending with "by Her Majesty." and substituting the following—

" each such person or any other person shall, in the case 20 of land which—

- (a) remains reserved under this Act;
- (b) becomes Crown land; or
- (c) having become Crown land, is subsequently reserved under this Act,

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be enforceable, subject to its terms, as if it had been conferred directly—

- (d) that land not being vested in another person under an Order made under section 33 (2), by

Her Majesty; or

- (e) that land being vested in another person under an Order made under section 33 (2), by the other person. "

5 Section 37AA inserted

5. The principal Act is amended by inserting after section 37 the following section—

Continuation of estates or
interests or caveats on cancellation,
or change of purpose of, reserves

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37AA. (1) When the reservation under this Act, or the dedication to the purposes of, or the vesting under, another Act, of any land is cancelled, any estate or interest or caveat lawfully granted over or lodged in respect of the whole or any part of that land shall, ~~if the Minister gives his approval in writing to the continuation of that estate or interest or caveat,~~ continue in the case of land which—

(a) becomes Crown land; or

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(b) having become Crown land, is subsequently reserved under this Act,

subject to and in accordance with the terms of that estate or interest ~~or subject to that caveat~~ as if—

(c) that land not being vested in a person under an Order made under section 33 (2), Her Majesty; or

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(d) that land being vested in a person under an Order made under section 33 (2), the person,

were the person in whom that land was so vested at the time when that estate or interest was created or that caveat was lodged, as the case requires.

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(2) When the purpose to which any land reserved under

this Act is dedicated or for which any land is reserved under this Act is changed, any estate or interest lawfully granted over or caveat lodged in respect of the whole or any part of that land shall continue, subject to and in accordance with the terms of that estate or interest or subject to that caveat, 5 as if Her Majesty were the person in whom that land was vested at the time when that estate or interest was created or that caveat was lodged, as the case requires. "

Sections 149A and 149B inserted

6. The principal Act is amended by inserting after section 149 the 10 following sections—

Transfer of estates, interests and caveats to Crown Grants

149A. (1) Before a Crown Grant is issued in respect of any land— 15

(a) all instruments creating or evidencing any estates or interests in the land that are sought to be endorsed on the Crown Grant in accordance with a determination made under this subsection shall be produced to the Minister; and 20

(b) the Minister shall—

(i) determine which, if any, of the instruments produced to the Minister under this subsection, and which, if any, of any caveats lodged in respect of the land, may 25 be endorsed on the Crown Grant; and

(ii) cause a note of the determination referred to in subparagraph (i) to be made on all instruments and caveats which may be endorsed on the Crown Grant. 30

(2) An estate or interest created or evidenced by an instrument, or a caveat, endorsed on a Crown Grant in accordance with a determination made under subsection (1)

continues and applies to the Crown Grant and the land thereby granted or the relevant part thereof.

5 (3) The Minister may, before making a determination under subsection (1), require each person known to the Minister to have an estate or interest in the relevant land and each caveator claiming an estate or interest in that land to make a statutory declaration stating the nature of that estate or interest and the title thereto or the nature of the estate or interest so claimed and the claimed title thereto, as
10 the case requires.

(4) On the delivery to the Registrar of Titles of—

- (a) a Crown Grant;
- (b) any relevant internal interests plan referred to in section 149B; and
- 15 (c) each instrument creating or evidencing an estate or interest, and each caveat, endorsed on the Crown Grant referred to in paragraph (a),

20 the Registrar of Titles shall endorse a memorandum of each estate or interest referred to in paragraph (c) as an encumbrance, and a memorandum of each caveat referred to in that paragraph, on the relevant folium of the Register Book on the registration of the Crown Grant referred to in paragraph (a).

25 (5) On the endorsement of a memorandum under subsection (4), the encumbrance or caveat to which the memorandum relates is by operation of this subsection transferred to and applies to the relevant Crown Grant and to the land thereby granted or the relevant part thereof in all respects as if that Crown Grant had been referred to in
30 the relevant instrument or that caveat.

(6) When one or more Crown Grants are issued in respect of one or more parts of a piece of land, subsections (2) and (5) apply to that part or each of those parts as if the

references in those subsections to "the land thereby granted" were references to that part or each of those parts.

(7) Encumbrances and caveats, memoranda of which are endorsed under subsection (4), shall for the purposes of the *Transfer of Land Act 1893* when the relevant instruments or those caveats are endorsed on the Crown Grant be entitled to priority as between themselves according to the order, and as from the dates and times, of their respective—

- (a) production for registration under this Act or the *Transfer of Land Act 1893*, whichever first occurs; or
- (b) in the case of caveats, lodging under this Act.

(8) If the Minister does not make a determination under subsection (1) for endorsement on the Crown Grant of an instrument creating an estate or interest in, or of a caveat lodged in respect of, any land, that estate or interest continues subject to and in accordance with the terms of that estate or interest or subject to that caveat, but a Crown Grant shall not be issued in respect of the land until that estate or interest is surrendered to Her Majesty or that caveat is withdrawn, as the case requires.

(8) (9) A reference in this section to an instrument includes a reference to a certified copy of the instrument.

Matters ancillary to transfer of estates, interests and caveats to Crown Grants

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149B. (1) A person in whom land is vested under an Order made under section 33 (2) or who has control of land under an Order in Council made under section 34 as in force before the coming into operation of section 9 of the *Acts Amendment (Reserves) Act 1982* or under an Act other than this Act and each other person having an estate or interest in the land (in this subsection called "the principal estate or interest") and a caveator in respect of the land shall, when requested by the chief executive officer of the Department to do so, submit to that chief executive officer in a form

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approved by that chief executive officer—

- 5 (a) all available documentary evidence concerning the principal estate or interest or the caveat, as the case requires, and concerning each estate or interest (in this section called a "dependent estate or interest") to which the principal estate or interest, or the claimed estate or interest, of that person in the land is subject;
- 10 (b) if a dependent estate or interest relates to part only of the piece of land the subject of the principal estate or interest, or the claimed estate or interest, of that person, a plan describing to the satisfaction of that chief executive officer the location and boundaries of that part;
- 15 (c) such other information as that chief executive officer requires; and
- (d) a statutory declaration verifying that—
- 20 (i) all dependent estates or interests of that person in the land have been fully disclosed under this subsection; and
- (ii) the evidence, plan or plans and any other information submitted under this subsection are accurate and complete.
- 25 (2) When all the estates, interests or caveats to which land referred to in subsection (1) is subject or by which it is affected relate to the whole of that land, a Crown Grant of that land may be issued with adjustments showing locations and boundaries different from those set out or described in the instrument creating or evidencing each estate or interest, or in each caveat, referred to in that subsection if
- 30 that difference is due to—
- (a) the inaccuracy or inadequacy of any description, diagram, plan or survey of that land;

(b) any discrepancy between the actual measurements or bearings at any time made or marked on the ground and those represented in that instrument or caveat; or

(c) any prescribed circumstance,

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and, on the issue of that Crown Grant, that estate or interest or caveat and all dependent estates or interests relating to the whole of that land apply to the land the subject of that Crown Grant instead of to the land the subject of that instrument or caveat.

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(3) When not all of the estates, interests or caveats to which land referred to in subsection (1) is subject or by which it is affected relate to the whole of that land, the Minister shall prepare from the evidence, plan or plans and other information submitted under that subsection a plan 15 showing the location and boundaries of the land—

(a) the subject of each such estate or interest; or

(b) affected by each such caveat,

in respect of which an endorsement may be made on the relevant Crown Grant in accordance with a determination 20 made under section 149A (1).

(4) The Minister may prepare an internal interests plan with adjustments showing the location and boundaries of the land the subject of each relevant estate or interest, or affected by each relevant caveat, different from the location 25 and boundaries set out or described in the instrument creating or evidencing that estate or interest, or in that caveat, if that difference is due to—

(a) the inaccuracy or inadequacy of any description, diagram, plan or survey of that land;

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(b) any discrepancy between the actual measurements or bearings at any time made or marked on the

ground and those represented in that instrument or caveats; or (c) any prescribed circumstance,

and, on the endorsement of that estate or interest or that caveat on the relevant Crown Grant in accordance with a determination made under section 149A (1), that estate or interest or that caveat applies to the relevant piece of land shown on the internal interests plan as being subject to that estate or interest or as being affected by that caveat, as the case requires, instead of applying to the piece of land to which that instrument or caveat relates.

(5) Notwithstanding anything in the *Transfer of Land Act 1893*, an action shall not be brought against the Registrar of Titles as nominal defendant for payment out of the assurance fund referred to in that Act by reason or in respect of any inaccuracy or inadequacy in any diagram, description, plan or survey of land used in respect of any estate or interest or caveat—

(a) on an instrument creating or evidencing which estate or interest, or on which caveat, the relevant determination made under section 149A (1) is noted;

(b) which is passed by an instrument registered, or a caveat lodged, under this Act or the *Transfer of Land Act 1893*;

(c) a memorandum of which is endorsed under section 149A (4); and

(d) which applies to the relevant Crown Grant and the land thereby granted or the relevant part thereof,

or which is based on or arises out of any such estate or interest or caveat.

(6) When an internal interests plan is delivered to the Registrar of Titles with the Crown Grant to which it relates—

- (a) the authorized land officer shall, if he is satisfied that the internal interests plan adequately sets out or describes for the purposes of the *Transfer of Land Act 1893* the location and boundaries of the land the subject of each estate or interest, or affected by each caveat, referred to in subsection (3), approve the internal interests plan; and 5
- (b) in the case of a Crown Grant issued to a State agency or instrumentality, the Minister may within the period ending— 10
- (i) 5 years after that issue; or
 - (ii) when the State agency or instrumentality disposes of the title conferred by that Crown Grant,

whichever is the shorter period, make such 15 adjustments, with or without the consent of each of the holders of the estates or interests, or of each of the caveators of the caveats, referred to in paragraph (a), to the locations and boundaries of those estates or interests, or claimed estates or 20 interests, as the Minister considers necessary by preparing a revised internal interests plan.

(7) If a revised internal interests plan is delivered to the Registrar of Titles, the an authorized land officer shall, if he is satisfied the revised internal interests plan adequately 25 sets out or describes for the purposes of the *Transfer of Land Act 1893* the location and boundaries of the land the subject of each estate or interest, or affected by each caveat, referred to in subsection (3), approve the revised internal interests plan. 30

(8) On the approval under subsection (6) (a) or (7) of an internal interests plan or a revised internal interests plan, the location and boundaries of the land the subject of each estate or interest, or affected by each caveat, to which the internal interests plan or revised internal interests plan 35 relates are adjusted accordingly.

5 (9) When a diagram or plan of subdivision of land drawn up in accordance with an internal interests plan or revised internal interests plan is received or deposited in the Office of Titles, ~~the~~ an authorized land officer may approve that diagram or plan of subdivision and, if he does so, the Registrar of Titles shall issue certificates of title for lots shown on that diagram or plan of subdivision notwithstanding the endorsement on the relevant Crown Grant of any instrument or caveat in accordance with a determination made under section 149A (1) and without the consent of any person entitled to the benefit of—

- 10 (a) the estate or interest created or evidenced by the instrument; or
- (b) the caveat,
- 15 as the case requires.

(10) The Minister may make, without any obligation to make or pay compensation, an adjustment under subsection (4) or (6) (b) notwithstanding that the adjustment affects, or may affect, the value of—

- 20 (a) one or more of the relevant estates or interests; or
- (b) one or more of the estates or interests claimed in any relevant caveat.

25 (11) The Minister shall ensure that an adjustment made under subsection (4) or (6) (b) is made in conformity with sound planning and land management principles and so as to cause as little detriment as possible to the holder of any estate or interest, or to any caveator, affected by that adjustment.

30 (12) Before a revised internal interests plan is delivered to the Registrar of Titles, the Minister may obtain the approval of the State Planning Commission under section 20 of the *Town Planning and Development Act 1928* to the plan or diagram of subdivision referred to in subsection (9), but nothing in this subsection makes it necessary for any

internal interests plan or revised internal interests plan to be approved by the State Planning Commission.

(13) If the Minister elects not to seek the approval of the State Planning Commission under section 20 of the *Town Planning and Development Act 1928*, the plan or diagram of subdivision shall still be registered in the Office of Titles without the approval of the State Planning Commission. 5

(14) In this section—

“internal interests plan” means plan prepared under subsection (3); 10

“revised internal interests plan” means revised internal interests plan prepared under subsection (6) (b);

“the State Planning Commission” means the State Planning Commission established by section 4 of the *State Planning Commission Act 1985*, 15

and a reference to an instrument includes a reference to a certified copy of the instrument. ”.

Section 172 amended

7. Section 172 of the principal Act is amended in paragraph (c) by inserting after “this Act” the following— 20

“ , and any such form may be used with such variations as circumstances may render necessary in any particular case ”.

Validation

8. (1) Each estate or interest or caveat in respect of the land that is at the commencement of this Act Swan Location 11526 and the 25

subject of Certificate of Title Volume 1898 Folio 640 that was lawfully created or lodged prior to the issue of a Crown Grant of that land shall—

- 5 (a) ~~if the Minister gives his approval in writing to the continuation of that estate or interest or caveat,~~ be deemed to have continued and been effectual to pass the relevant estate or interest or maintain the claim set out in the relevant caveat; and
- 10 (b) subject to subsection (2), be dealt with as though each instrument for that estate or interest and each such caveat had been endorsed on that Crown Grant in accordance with a determination made under section 149A (1) of the principal Act prior to the issue of that Crown Grant.

(2) Notwithstanding subsection (1), a memorandum of an estate or 15 interest, or a caveat, referred to in and continued by that subsection shall be endorsed on the relevant folium of the Register Book under section 149A (4) of the principal Act as at the date and time of delivery to the Registrar of Titles of—

- 20 (a) the relevant internal interests plan within the meaning of section 149B of the principal Act; and
- (b) ~~all relevant instruments and caveats referred to in section 149A (4) of the principal Act, or certified copies of those instruments or caveats;~~

25 all relevant instruments and caveats referred to in section 149A (4) of the principal Act, or certified copies of those instruments or caveats,

and for the purpose of determining priority as between —

- (c) an estate, interest or caveat referred to in and continued by subsection (1);
- 30 and
- (d) an estate, interest or caveat a memorandum of which is

endorsed under the *Transfer of Land Act 1893*.

the instrument for the estate or interest, or the caveat, referred to in paragraph (c) shall be deemed to have been registered or lodged under the *Transfer of Land Act 1893* at the date and time of that delivery.

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(3) Notwithstanding subsection (1), an estate or interest or caveat referred to in, and continued by, that subsection shall be subject to any estate or interest or caveat, a memorandum of which has been endorsed under section 149A (4) of the principal Act prior to the date and time referred to in subsection (2).

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(4) The provisions of section 149A and 149B of the principal Act, as modified by this section, apply to and in relation to an estate, interest or caveat referred to in, and continued by, subsection (1).

(5) Words and expressions used in this section shall be construed as if this section were a provision of the principal Act.

15

OBJECTIVES

To enable estates, interests and caveats over Crown land to;

- * be registered in the Land Titles Office**
- * subsist during changes to both tenure and the controlling body**
- * be rationalised by survey and by the application of town planning/
land management principles**
- * be transmitted to the original Crown Grant**
- * be translated by subdivision into saleable lots for purchase by lessees**

METHODOLOGY SUMMARY

PHASE 1 : Historical Stage.

- 1.1 Superlot
 - Reserve vested in Local Authority with power to lease OR
 - Railway land whereby Westrail has power to lease etc
- 1.2 Leases Issued by Controlling Body
 - Estates, interests or caveats

PHASE 2 : Registration of Interests.

- 2.1 Interests Lodged in Land Titles Office (registered on CLR or CT)
 - Instruments evidencing estates or interests
 - Statutory declaration supporting evidence
- 2.2 Internal Interests Plan
 - Created from plan/sketch lodged by lessor/vestee OR from subsequent survey

PHASE 3 : Defining Established Interests by Survey.

- 3.1 Cadastral Survey
 - Position of interests determined by licensed surveyor
- 3.2 Revised Interests Plan
 - Subdivision redesigned/amended to accommodate occupation and to accord with sound land management and town planning principles (internal/external adjustments)

PHASE 4 : Formalising Tenure and Principal Controlling Ownership (Interests Transmit).

- 4.1 Tenure Changes (Superlot may also be amended)
 - Vesting Order to Local Authority revoked (applicable to vested reserves)
 - Reserve purpose changed to "Use and Requirements of the Minister For Works"
- 4.2 Crown Grant Issued to Minister For Works
 - Crown Grant encumbered by confirmed interests (leases, mortgages, caveats etc)
 - Reserve cancelled (interests subsist)

PHASE 5 : Rationalising of Interests to Accord with Formal Subdivision.

- 5.1 Subdivision Plan (OPUD approved design)
 - Plan drafted, examined and approved by Authorised Land Officer
- 5.2 Negotiations Completed (ongoing since Phase 3)
- 5.3 Disposition
 - Lessee purchases relevant lot from Minister For Works
 - Minister leases relevant lot to lessee (Minister is registered proprietor on C/T)

LEGISLATIVE INTENT

Transmission of Interests Legislation

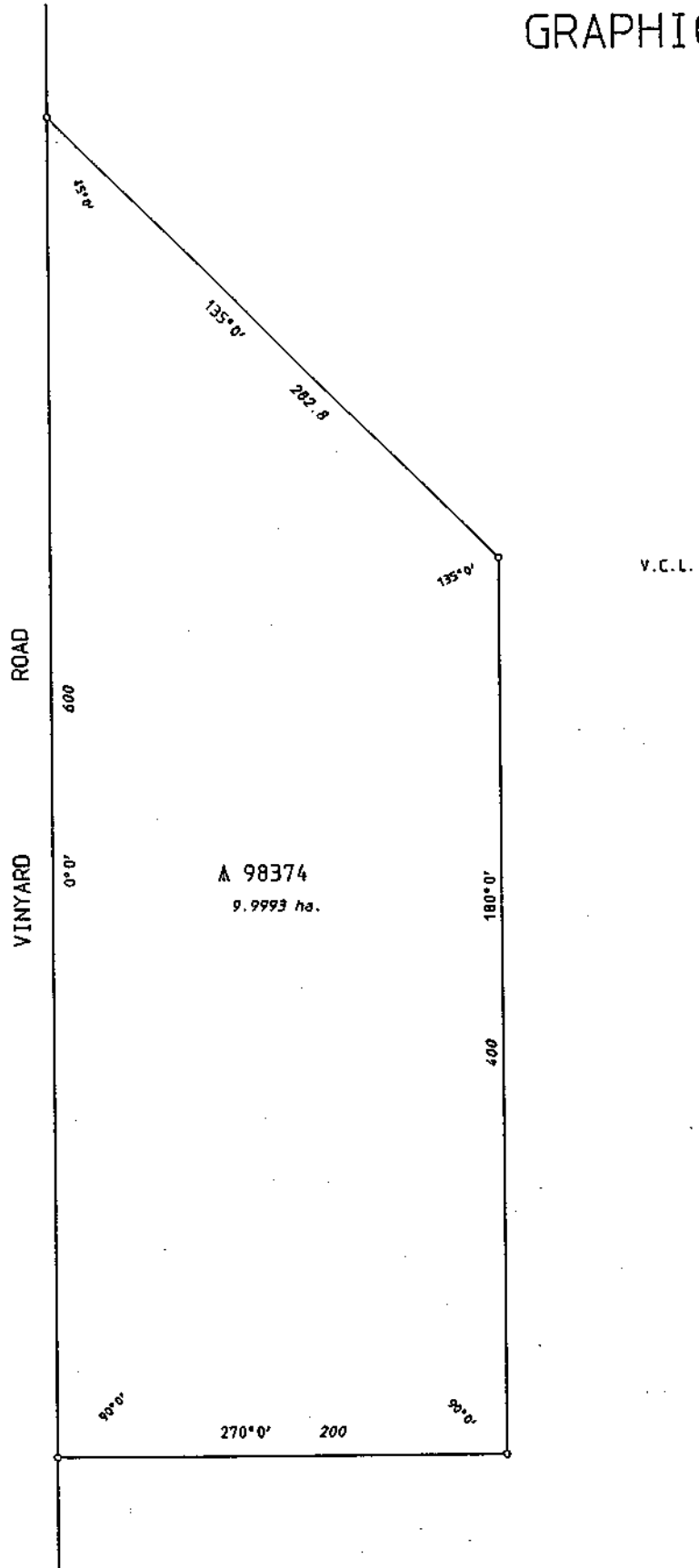
1. **Existing Tenure and Interests**
 - (i) Reserve vested in Local Authority (City/Town/Shire) with power to lease OR Railway land etc - super lot.
 - (ii) Existing estates, interests and caveats (e.g. multiple leases).
2. **Tenure Changes (Interests Subsist)**
 - (i) Reserve purpose changed to "Use and Requirements of Minister for Works" (S37) and made available to Minister (S29(2)).
 - (ii) Estate, interests and caveats to subsist following revocation of vesting order (S34B) and cancellation of reserve following issue of Crown Grant to Minister (S37AA).
3. **To Achieve the Transmission of Interests to the Original Crown Grant;**
 - (i) statutory declarations, evidence of interests and vestee's/lessor's sketch
 - (ii) Internal Interest Plan
4. **To Achieve the Transmission of Interests in Accordance with Established Occupation and Town Planning Principles;**
 - (i) preliminary survey
 - (ii) revised "Internal Interests Plan" (internal/external boundary adjustments)
 - (iii) DPUD approval
 - (iv) survey plan approved by Authorised Land Officer
 - (v) interests translated to new lots (Certificates of Title or new leases issued)
5. **Other**
 - . Regulation amendments (fees, penalties, forms) to provide flexibility.
 - . Rationalisation of Subiaco

LEGISLATIVE ABSTRACTS

Transmission of Interests Legislation

- Sect 34B(1)(2)** : Estate, interests or caveats may still continue over land following "revocation" of a vesting order.
- Sect 37AA(1)(2)** : "Preservation" of estate, interests or caveats over land following the cancellation or change of purpose of reserves.
- Sect 149A(1)-(8)** : "Transfer" of estates, interests and caveats to Crown Grant.
- * makes provision for the transmission of interests and caveats to a Crown Grant (statutory declaration, evidence, sketch by lessor/vestee, Crown Grant encumbered by interests)
- Sect 149B(1)-(13)** : "Matters ancillary to transfer" of estates, interests and caveats to Crown Grants
- * statutory declarations together with all instruments providing evidence of interests and caveats
 - * The Minister (DOLA) may prepare revised "Internal Interests Plan" that is adjusted to accord with established occupation and/or town planning requirements (DPUD)
 - * Crown Grant incorporating adjustments (internal/external) may issue encumbered by existing interests and caveats.
 - * provision for negotiated agreement but power with the Minister to implement boundary adjustments without lessee's consent, in accordance with a revised "Internal Interests Plan" approved by DPUD and an Authorised Land Officer (DOLA) - 5 year limit.
- Sect 172** : Regulations amendment (fees, penalties, forms).
- Clause 8** : Subiaco rationalisation

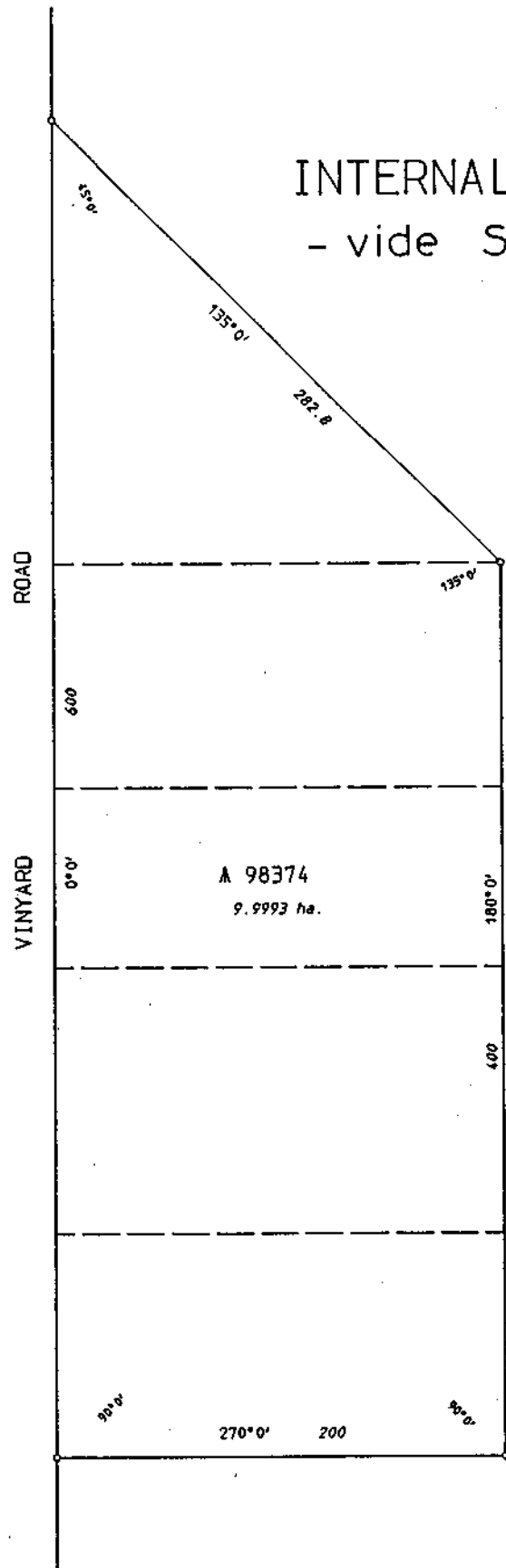
GRAPHIC 1



PRINCIPAL ESTATE OR INTEREST
(VESTEES INTEREST)

GRAPHIC 2

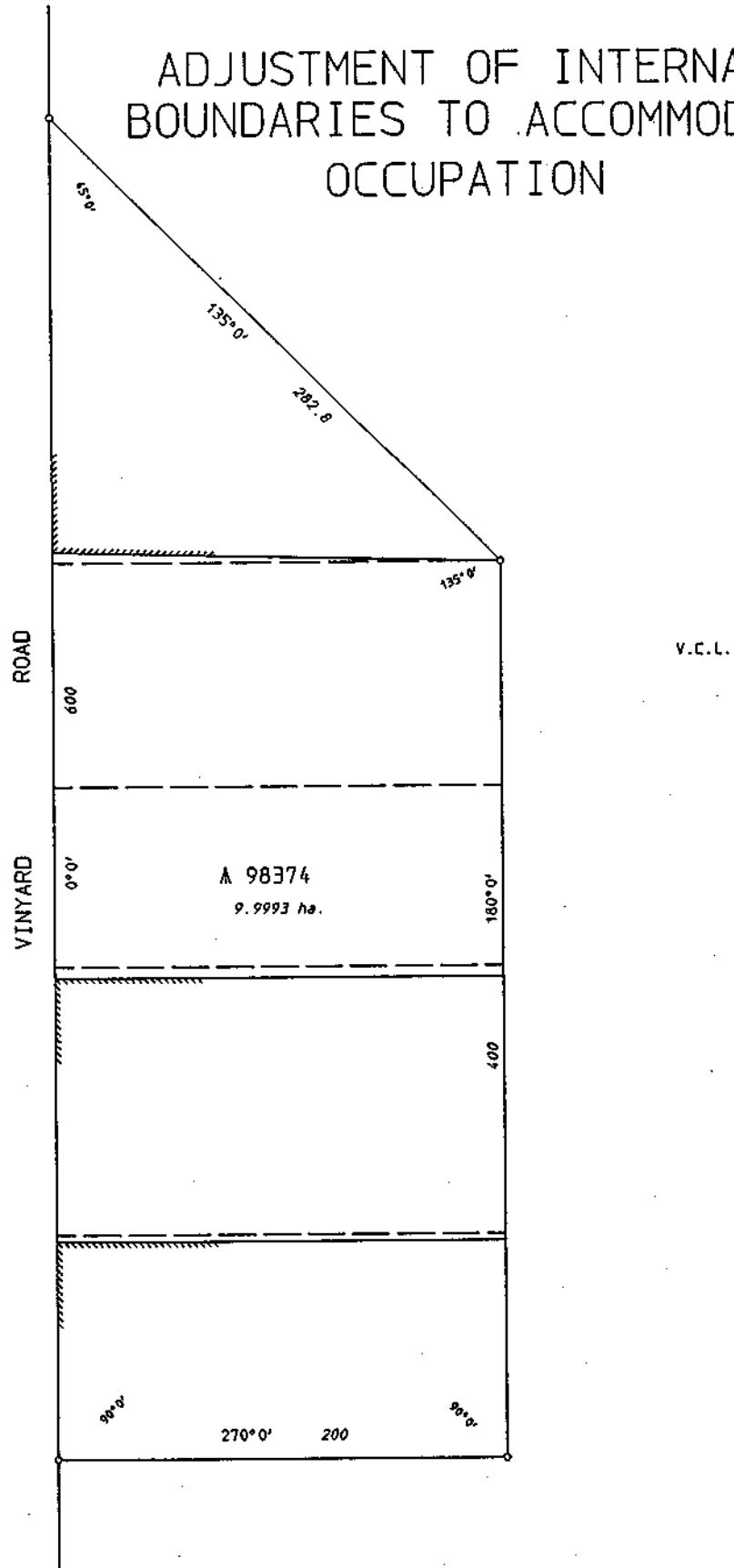
INTERNAL INTERESTS
- vide Sect 149B



V.C.L.

GRAPHIC 3

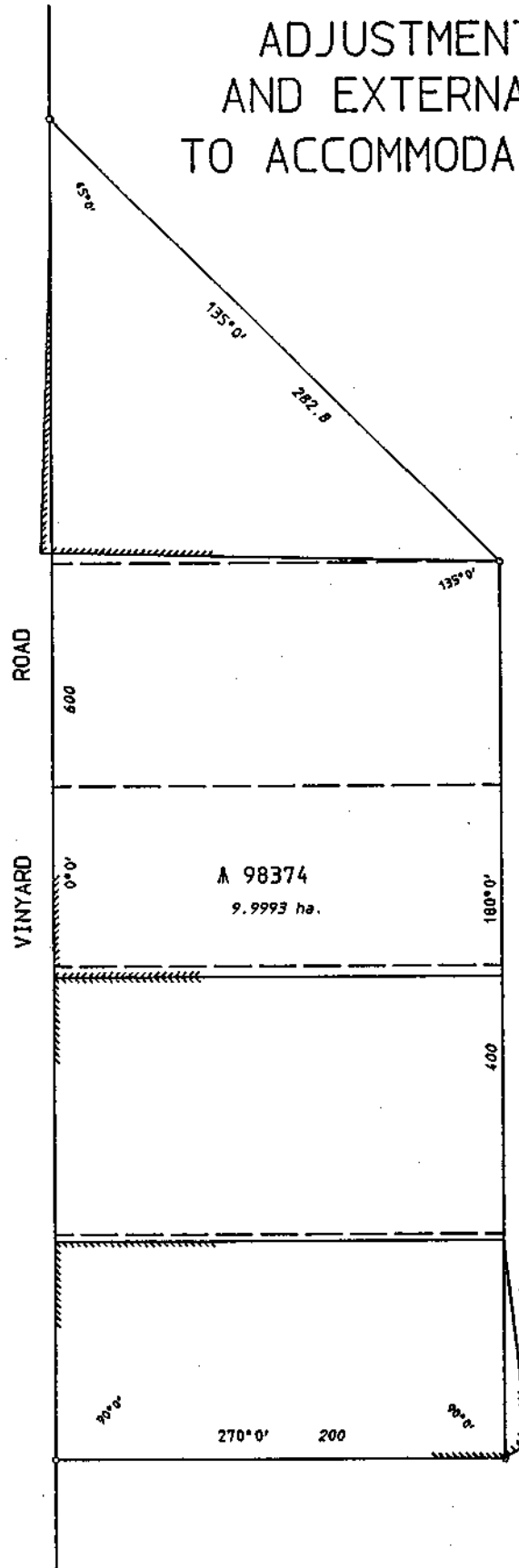
ADJUSTMENT OF INTERNAL
BOUNDARIES TO ACCOMMODATE
OCCUPATION



Necessitates Revised Internal Interest
Plan - vide Sect 149B (4)

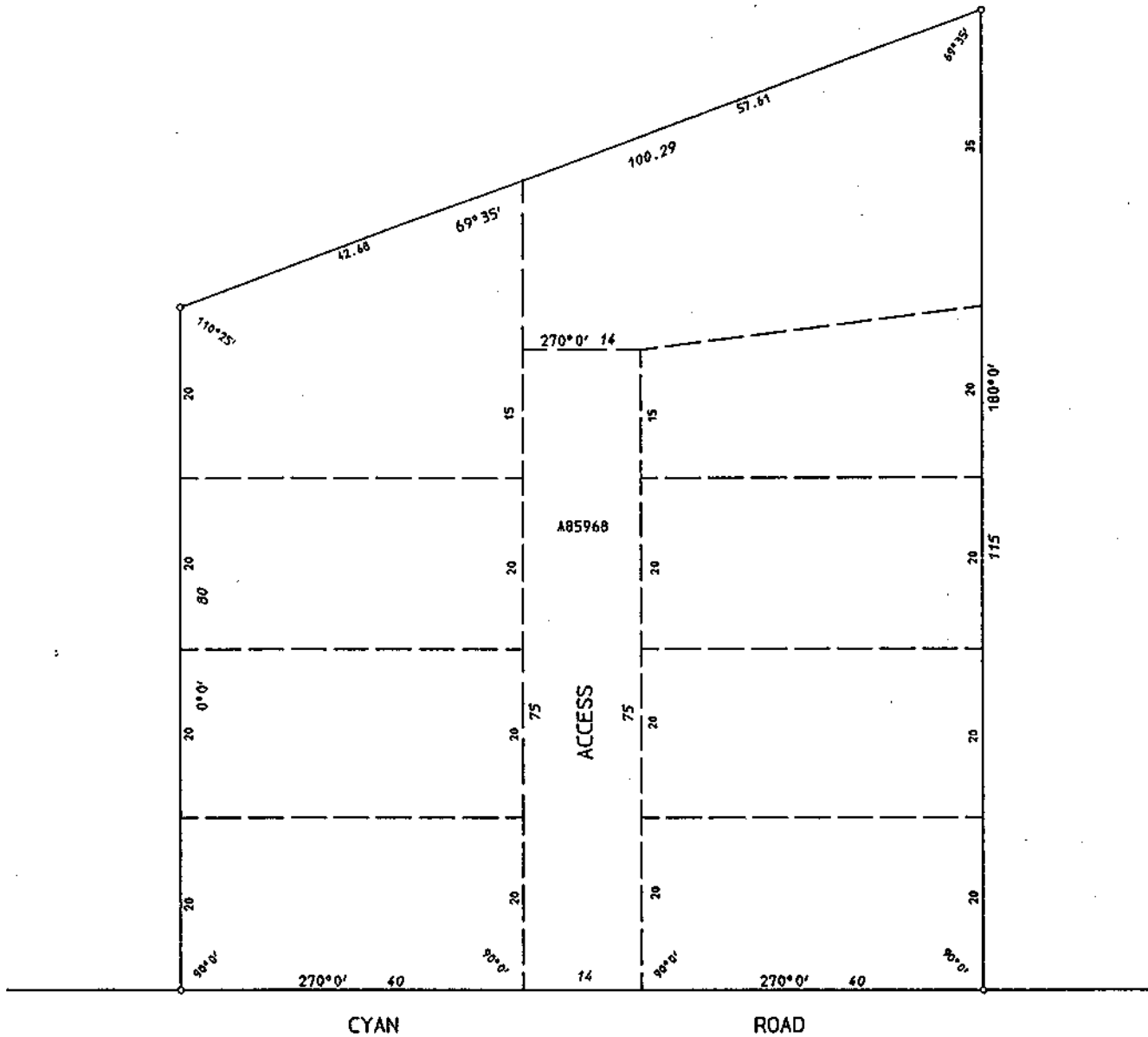
GRAPHIC 4

ADJUSTMENT OF INTERNAL
AND EXTERNAL BOUNDARIES
TO ACCOMMODATE OCCUPATION



Necessitates Revised Interest Plan
- vide Sections 149B (4)

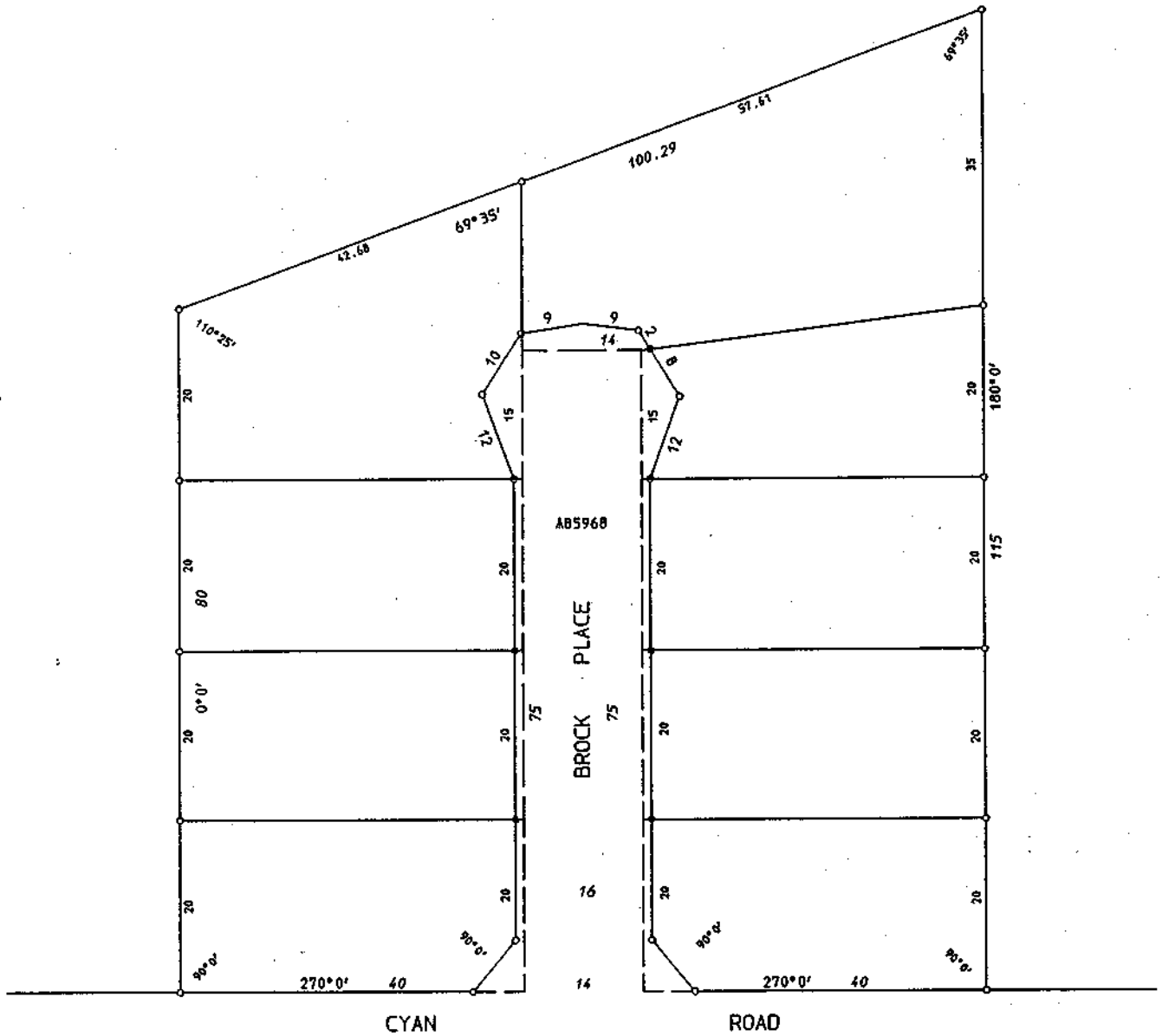
INTERNAL INTEREST PLAN



Internal Interest Plan to be prepared
and lodged in Land Titles Office

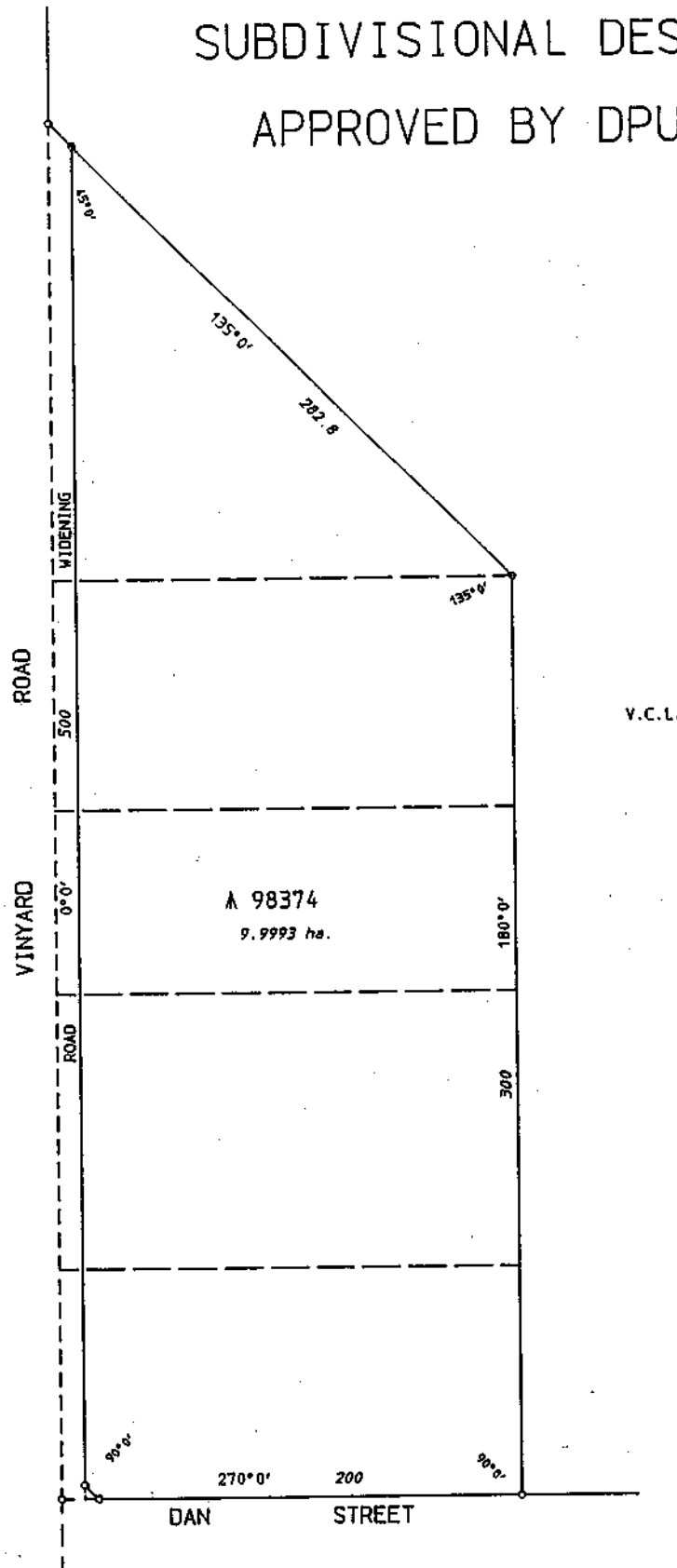
Sec 149B (3)

SUBDIVISIONAL DESIGN APPROVED BY DPUD



Revised Internal Interest Plan should accommodate occupation and accord with planning principles

SUBDIVISIONAL DESIGN
APPROVED BY DPUD

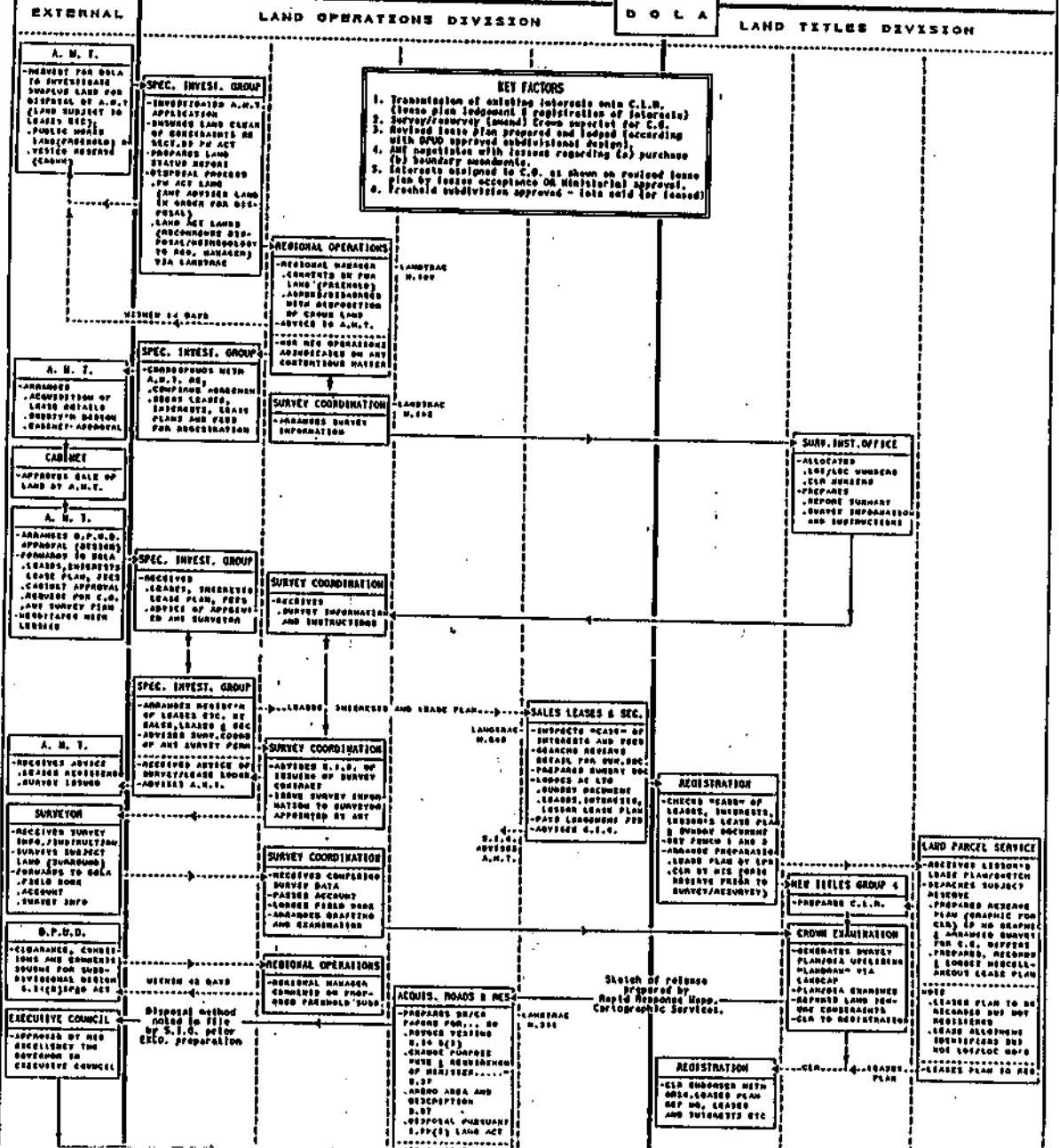


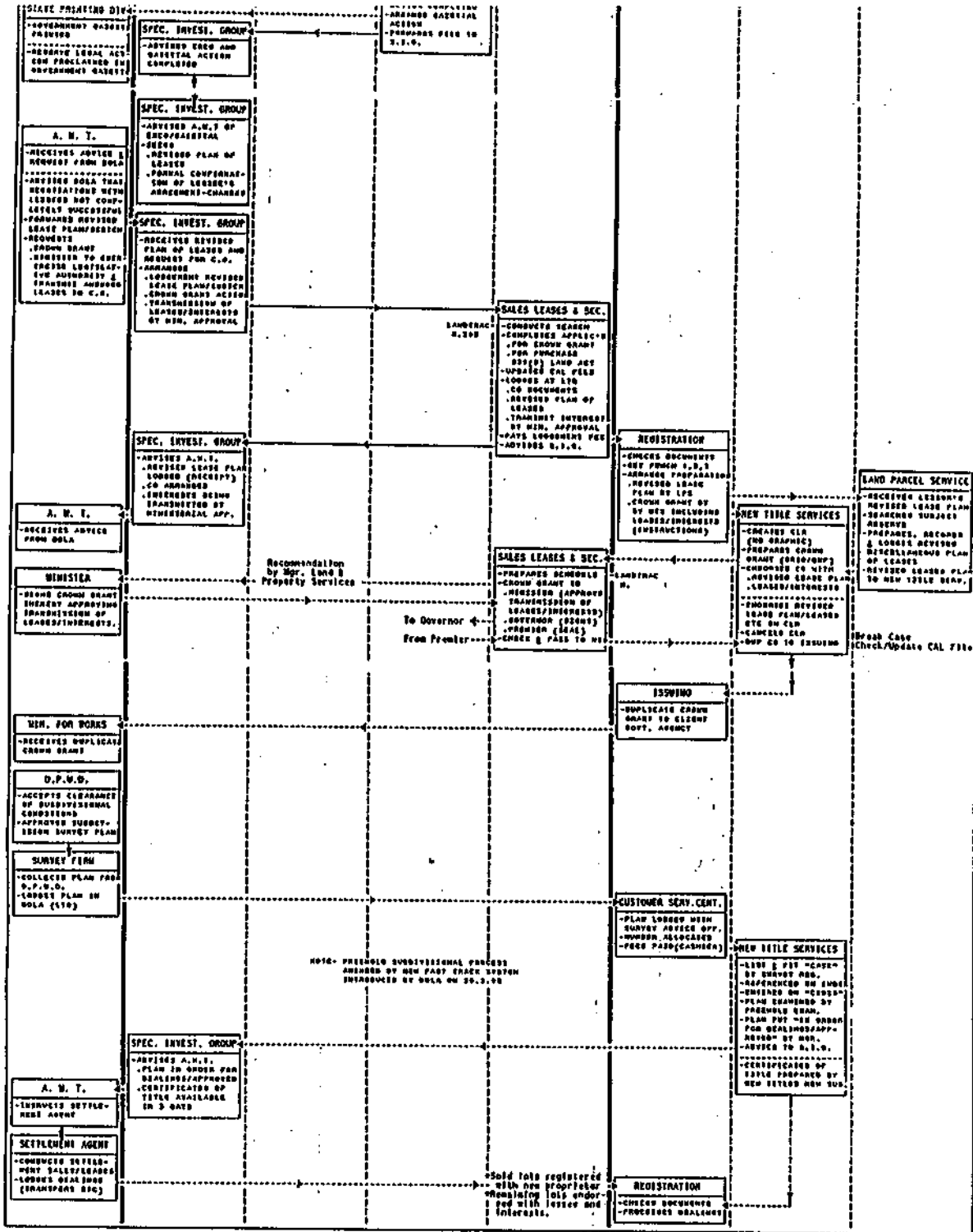
Revised Internal Interests Plan
(amended) design to accomodate
planning requirements

2011
P.O. 23
2011 REVIEW
DCA

LAND AMENDMENT (TRANSMISSION OF INTERESTS) BILL 1992

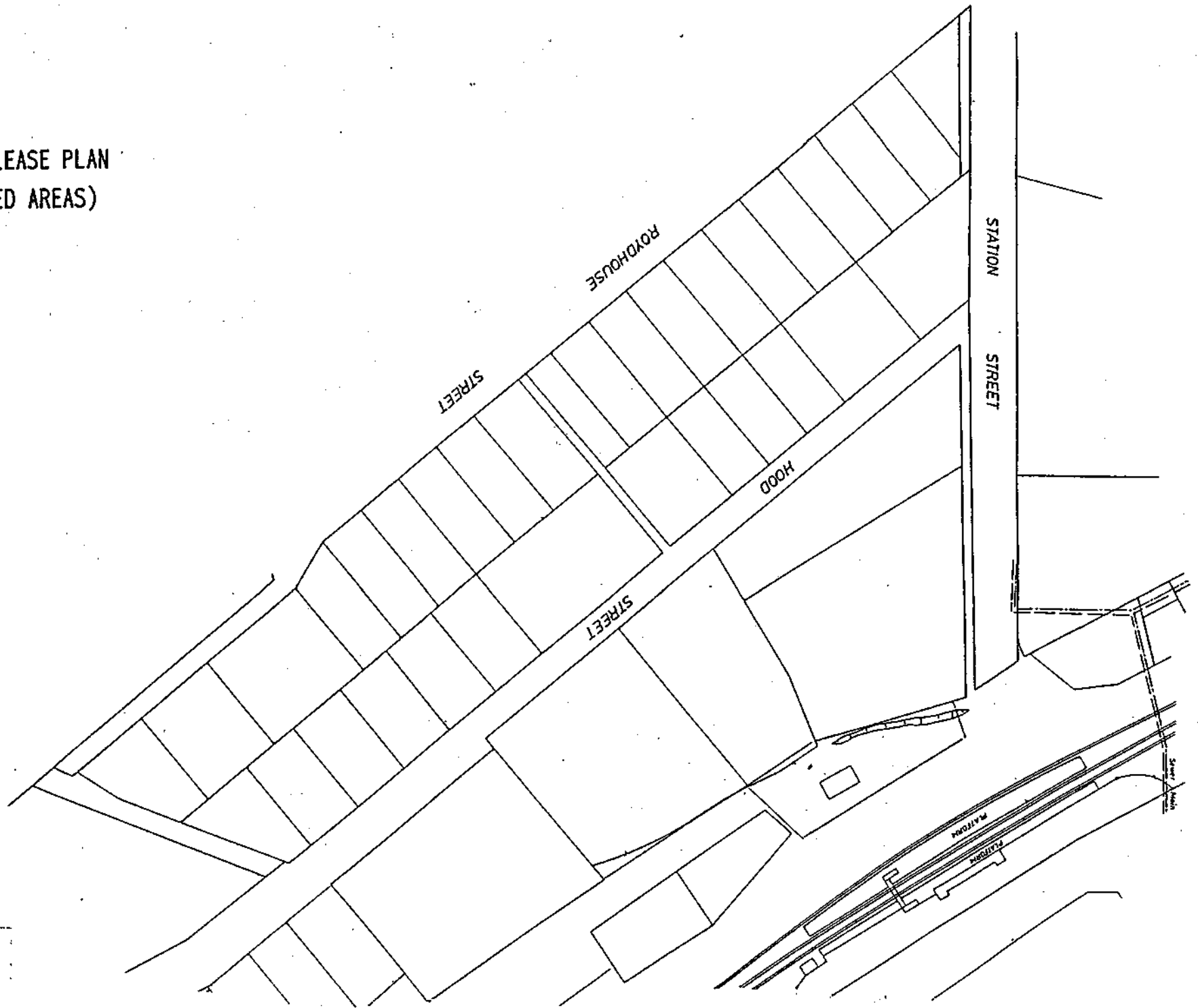
EXAMPLE: EXISTING INTERESTS IN A RESERVE SUBDIVISION THROUGH TENURE CHANGES, TRANSMITTING TO A CROWN GRANT IN FAVOUR OF A GOVERNMENT AGENCY AND SUBSEQUENTLY BEING NATIONALISED AND TRANSLATED INTO SUBDIVISION LOTS BY SURVEY TO ENABLE FORMER LESSEES TO ACQUIRE FREEHOLD CERTIFICATES OF TITLE.



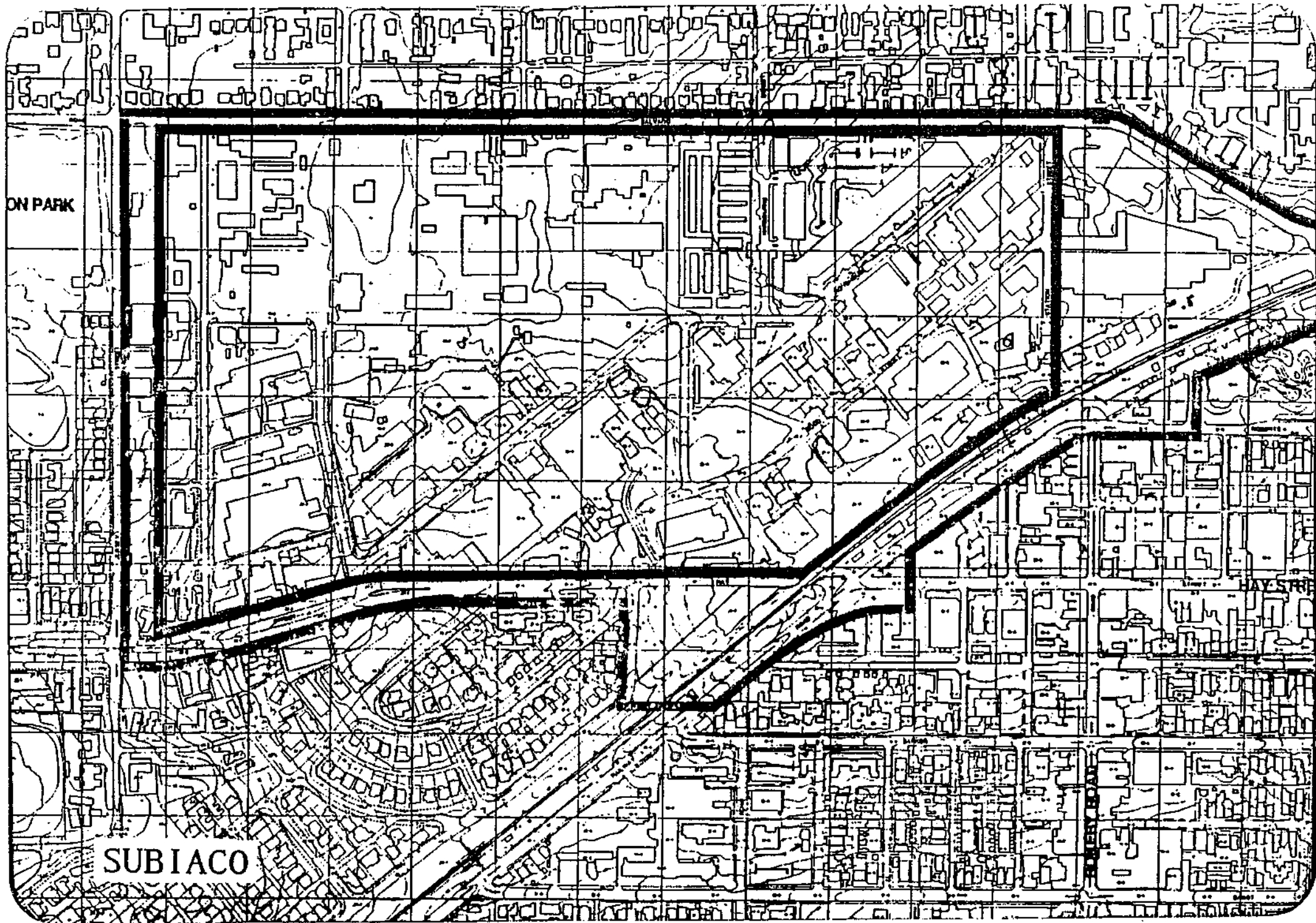


NOTE: THESE PROCEDURES ARE OF A GENERAL NATURE AND WITHIN THE FRAMEWORK OF THIS ENABLING LEGISLATION, MAY BE SUBJECT TO MINOR VARIATIONS IN ACCOMMODATING THE SPECIFIC PROCESSING REQUIREMENTS OF EACH APPLICATION.

INTERNAL LEASE PLAN
(UNSURVEYED AREAS)



SUBIACO

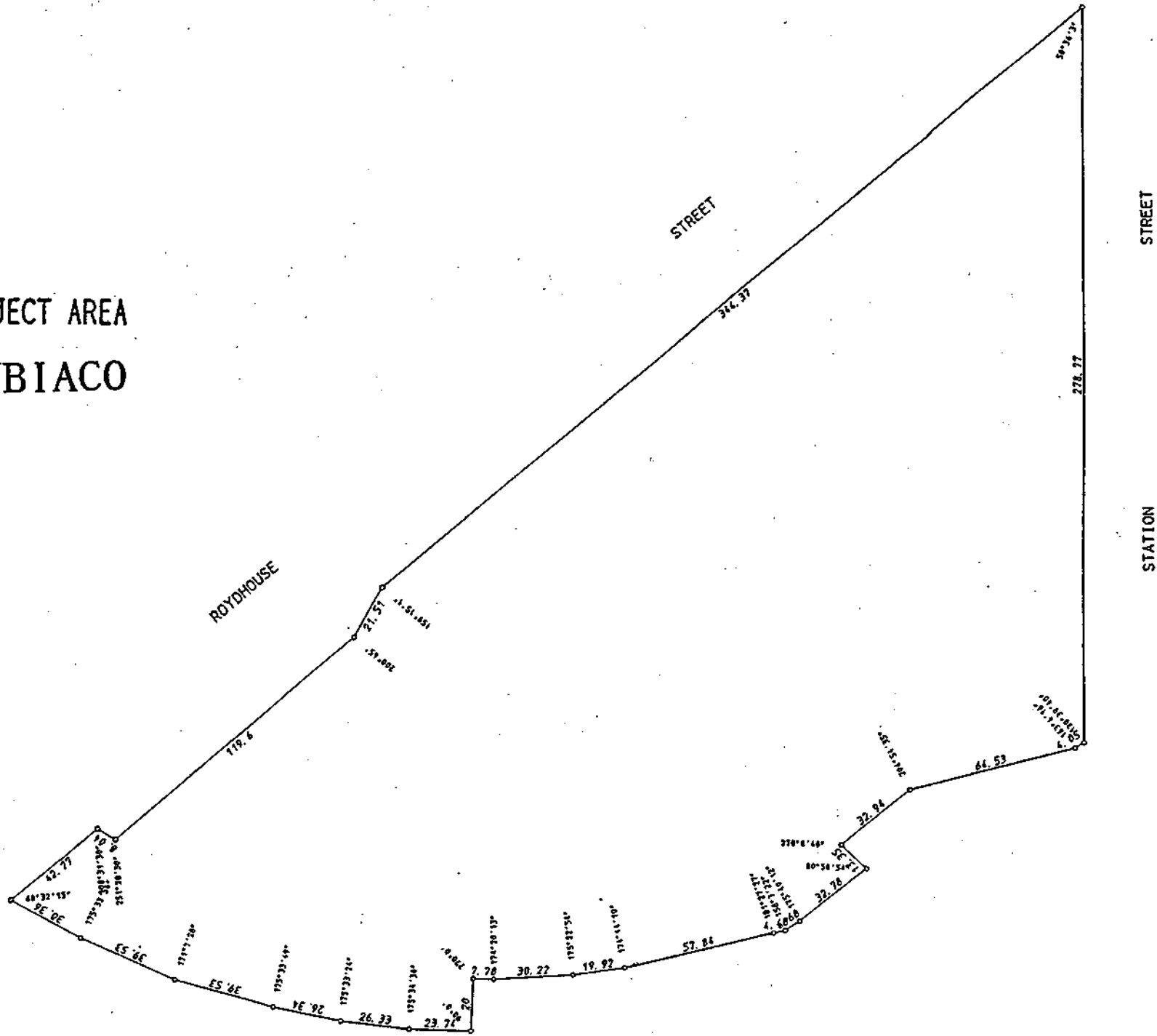


ON PARK

SUBIACO

HAY ST

SUBJECT AREA
SUBIACO



THIS IS A RECORD OF THE OFFICE OF TITLES
18 FEB 1992
FOR THE PURPOSES OF SEARCH
AND THE RECORDS OF SEARCH
AND THE RECORDS OF SEARCH
AND THE RECORDS OF SEARCH

ORIGINAL - NOT TO BE REMOVED FROM OFFICE OF
Application E584964 596-91

CT 1898 0640 F

LANDS	L.T.O.
Entered	Land 3093/67
	Permit
	Lease
	Name

WESTERN AUSTRALIA



1898 640
P. 18129
P. 18130
P. 18131

5

Crown Grant

Elizabeth the Second, by the Grace of God, Queen of Australia and Her other Realms and Territories, Head of the Commonwealth, To all to whom these Presents shall come, GREETING: Know ye that We, of Our special Grace, certain knowledge, and mere motion, have given and granted, and We do by these Presents, for Us, Our heirs and successors, in consideration of the payment of the sum of \$1.00 and the fulfilment of the prescribed conditions to the satisfaction of Our Governor of Our State of Western Australia, Give and Grant unto Minister for Works a body corporate of Perth.

Page 1 (of 2 pages) 1898 640 VOL. FOL.

PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION

(hereinafter called the Grantee), the natural surface and so much of the land as is below the natural surface to a depth of 12.19 metres of ALL THAT Piece or Parcel of Land situate and being in the District of Swan in Our said State, containing 12.7608 Hectares more or less, and marked and distinguished in the maps, books, plans and diagrams of the Department of Land Administration through which the Land Act 1933 is administered, as Swan Location 11526

and as the same is delineated in the plan drawn in the first schedule: TOGETHER with all Appurtenances thereunto belonging or in anywise appertaining: TO HAVE AND TO HOLD the said Piece or Parcel of Land to the depth aforesaid, and all and singular the Premises hereby granted, with their appurtenances, unto the Grantee, in fee simple: Yielding and Paying for the same to Us, Our heirs and successors, one possession of yearly rent on 25 March in each year, or so soon thereafter as the same shall be lawfully demanded: PROVIDED NEVERTHELESS that subject to section 141 of the Land Act, 1933, it shall (at any time within 21 years from the date of these Presents) be lawful for Us, Our heirs and successors, or for any person or persons acting in that behalf by Our or their authority, to resume and enter upon possession of any part of the said Piece or Parcel of Land, which it may at any time by Us, Our heirs and successors, be deemed necessary to resume for roads, teamways, railways, and railway stations, canals, bridges, towing paths, harbour or river improvement works, drainage or irrigation works, quarries, and generally for any other works or purposes of public use, utility or convenience, and for the purpose of exercising the power to search for minerals hereinafter reserved, and such Land so resumed to hold to Us, Our heirs and successors as of Our or their former estate without making to the Grantee, or any person claiming under him, any compensation in respect thereof: so, nevertheless, that no such resumption be made without compensation of any part of the said Piece or Parcel of Land upon which any expenditure or improvements shall have been made by the said Grantee, or any person claiming under him; and we do hereby save and reserve to Us, Our heirs and successors, all Mines of Gold, Silver, Copper, Tin, or other Metals, Ore and Minerals, or other substances containing Metals, and all Gems or Precious Stones and Coal or Mineral Oil, and all Phosphatic Substances in or under the said Piece or Parcel of land hereby granted, with full liberty at all times to search and dig for and carry away the same; and for that purpose to enter upon the said Piece or Parcel of land or any part thereof: and we do hereby save and reserve to Us, Our heirs and successors all petroleum (as defined in the Petroleum Act, 1967) on or below the surface of the said Land with the right reserved to Us, Our heirs and successors and persons authorised by Us, Our heirs and successors to have access to the said land for the purpose of searching for and for the operations of obtaining petroleum in any part of the said land subject to and in accordance with the provisions contained in the Petroleum Act, 1967, or any Act repealing and enacted in substitution of that Act.

His Excellency The Honourable Sir Francis Theodore Page Burt, Companion of the Order of Australia, Knight Commander of The Most Distinguished Order of Saint Michael and Saint George, Queen's Counsel, Governor of the State of Western Australia.

Sealed this 24th day of April 1991.

Francis Burt

Grant under the Land Act, 1933

David Smith
Minister for Lands

Governor

CERTIFICATE OF TITLE UNDER THE "TRANSFER OF LAND ACT, 1893" AS AMENDED

The abovenamed Grantee is now the registered proprietor of an estate in fee simple in all the land described in this Grant subject to the easements and encumbrances shown in the Second Schedule hereto.

DATED THE 24th DAY OF April 1991

J. Mulcahy
REGISTRAR OF TITLES



REGISTER / APPLICATION E663294
Registered 26th July 1991 at 10.57 AM.
As to Plan 18129 to Vol 1909 Fol 687 to
Vol 1909 Fol 649 (sic); As to Plan 18130 to
Vol 1909 Fol 651 to Vol 1909 Fol 659 (sic)
As to Plan 18131 to Vol 1909 Fol 660 to
Vol 1909 Fol 661.

FOR ENCUMBRANCES AND OTHER MATTERS AFFECTING THE LAND SEE SECOND SCHEDULE

822627/100-214-3/2002

FIRST SCHEDULE

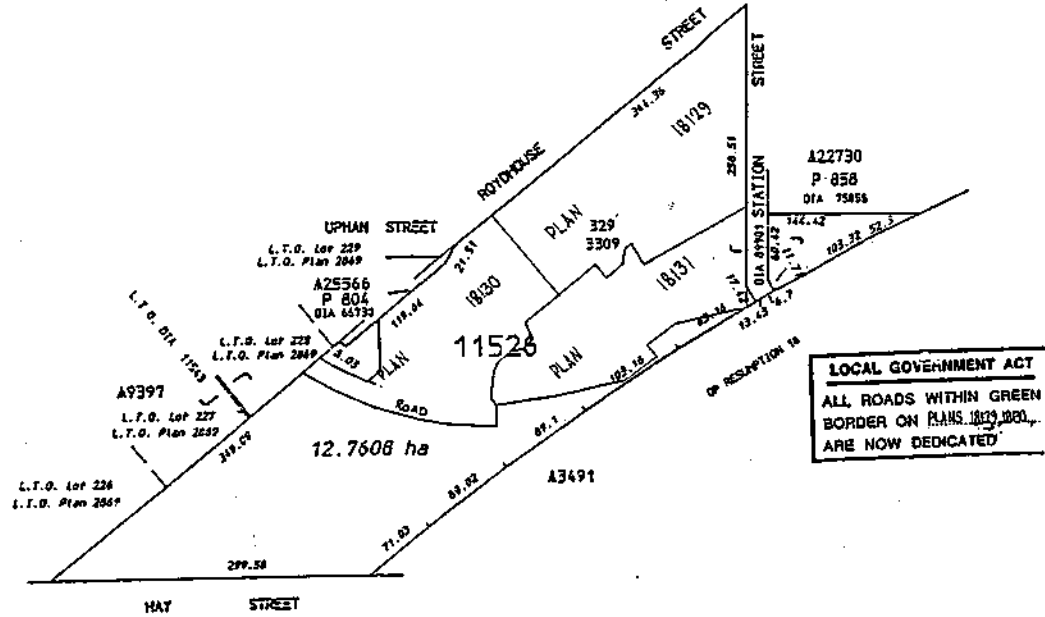
Area and measurements on the Plan hereon are more or less, and a peg has been placed at each corner of the allotment.

Scale: 1:5000

Survey: O.P. 17774

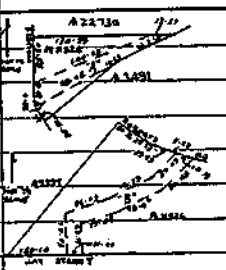


Corr: 3327 / 1969

S.M.



SECOND SCHEDULE

NOTE: RULING THROUGH AND SEALING WITH THE OFFICE SEAL INDICATES THAT AN ENTRY NO LONGER HAS EFFECT. ENTRIES NOT RULED THROUGH MAY BE AFFECTED BY SUBSEQUENT ENDORSEMENTS.

INSTRUMENT		PARTICULARS	REGISTERED	TIME	SEAL	INITIALS	CANCELLATION	NUMBER	REGISTERED OR LODGED	SEAL	INITIALS
NATURE	NUMBER										
Transfer	E725783	 <p>The right to enter upon the portion of the within land marked A and B on the maps in the margin for the purpose of constructing maintaining and using electrical transmission works in-upon and across the said land as set out in the said Transfer is granted to The State Energy Commission of Western Australia</p>	17.10.91	11.44							

CERTIFICATE OF TITLE VOL 1898 640

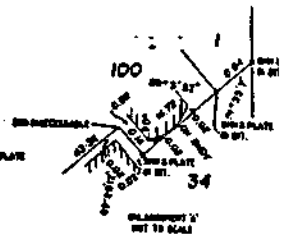
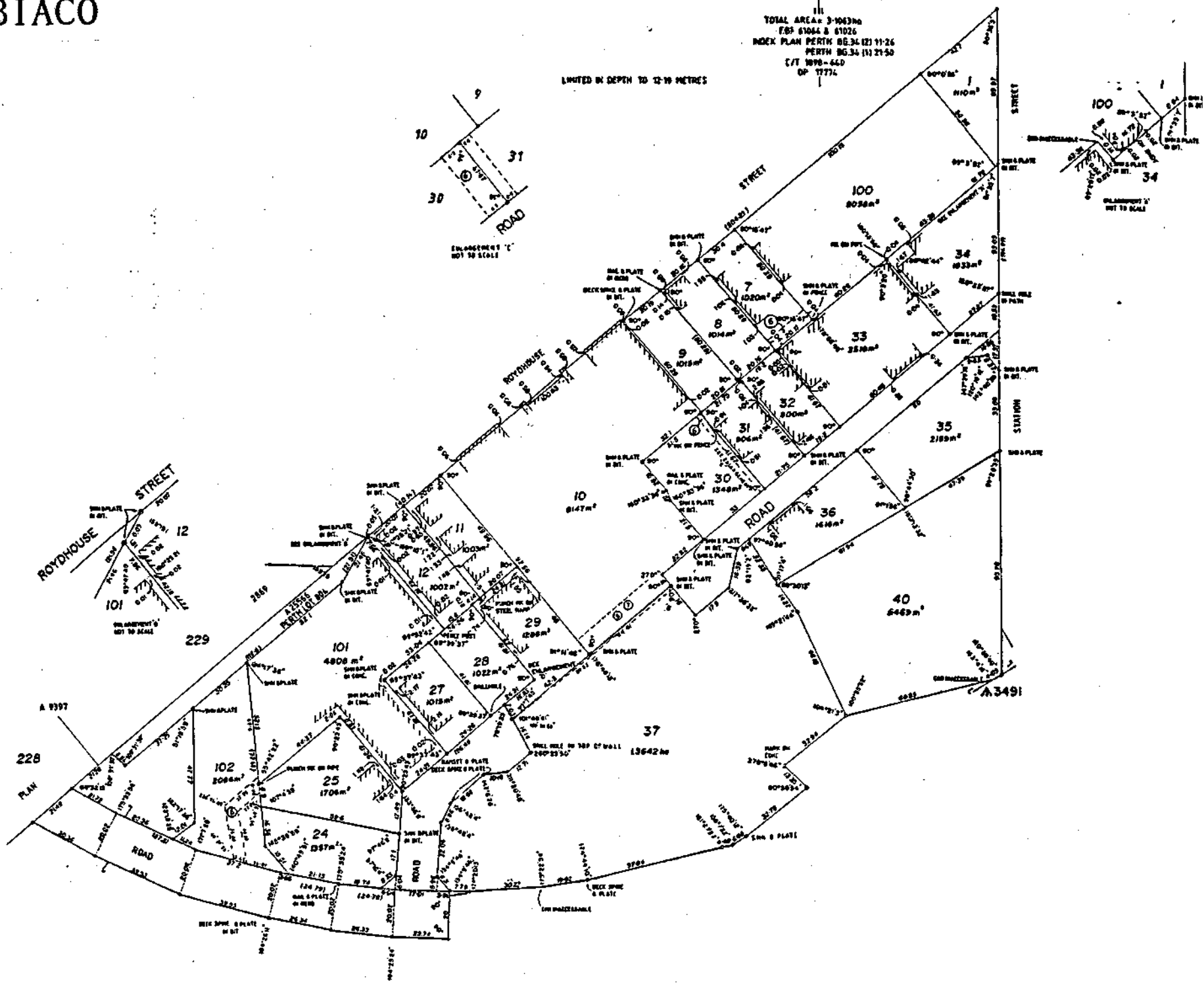
FOR THE PURPOSES OF SEARCH FOR THE PURPOSES OF SEARCH FOR THE PURPOSES OF SEARCH FOR THE PURPOSES OF SEARCH FOR THE PURPOSES OF SEARCH
 THIS OFFICE OF TITLES THIS OFFICE OF TITLES THIS OFFICE OF TITLES THIS OFFICE OF TITLES THIS OFFICE OF TITLES
 ORIGINAL CERTIFICATE OF TITLE ORIGINAL CERTIFICATE OF TITLE ORIGINAL CERTIFICATE OF TITLE ORIGINAL CERTIFICATE OF TITLE ORIGINAL CERTIFICATE OF TITLE
18 FEB 1999

SUBIACO

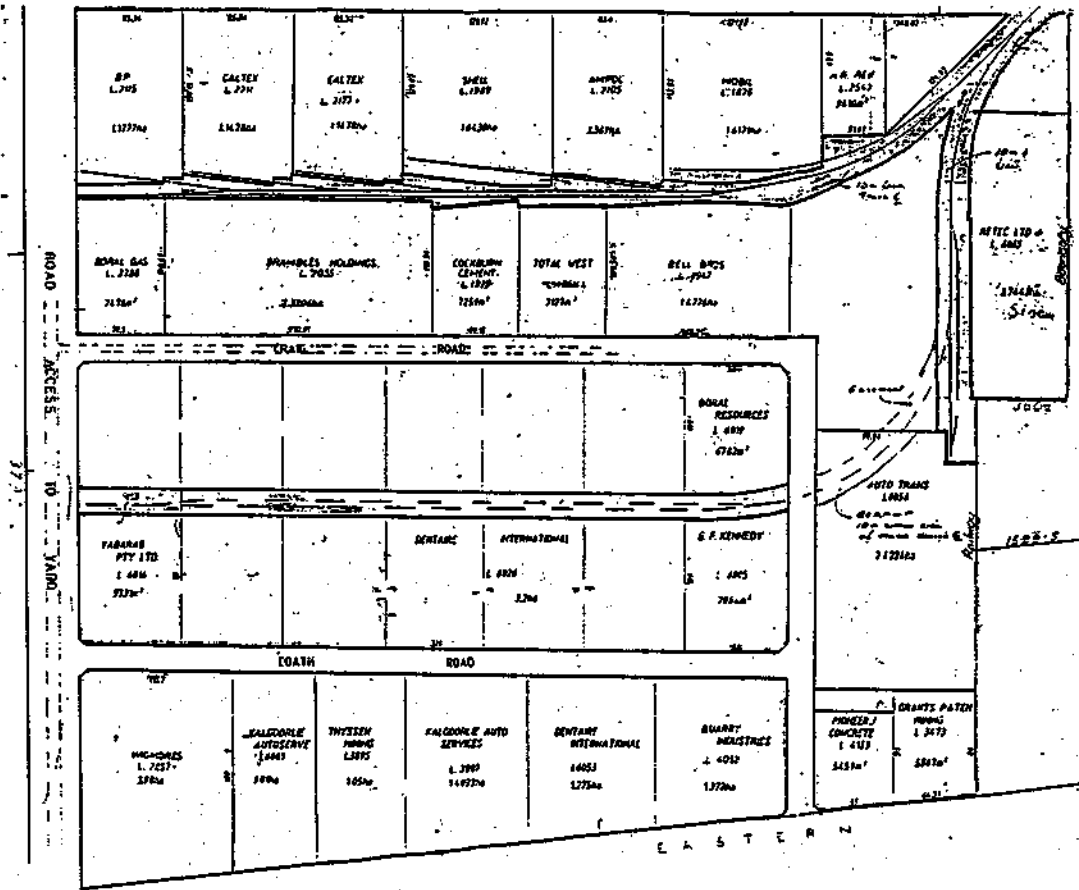
SUBDIVISION OF PT SWAN LOC 1526

LIMITED IN DEPTH TO 12-19 METRES

TOTAL AREA = 3-1063ha
F.S. 61044 & 61026
INDEX PLAN PERTH BG.34 (2) 11-26
PERTH BG.34 (1) 21-50
C/T 1098-64D
DP 17774



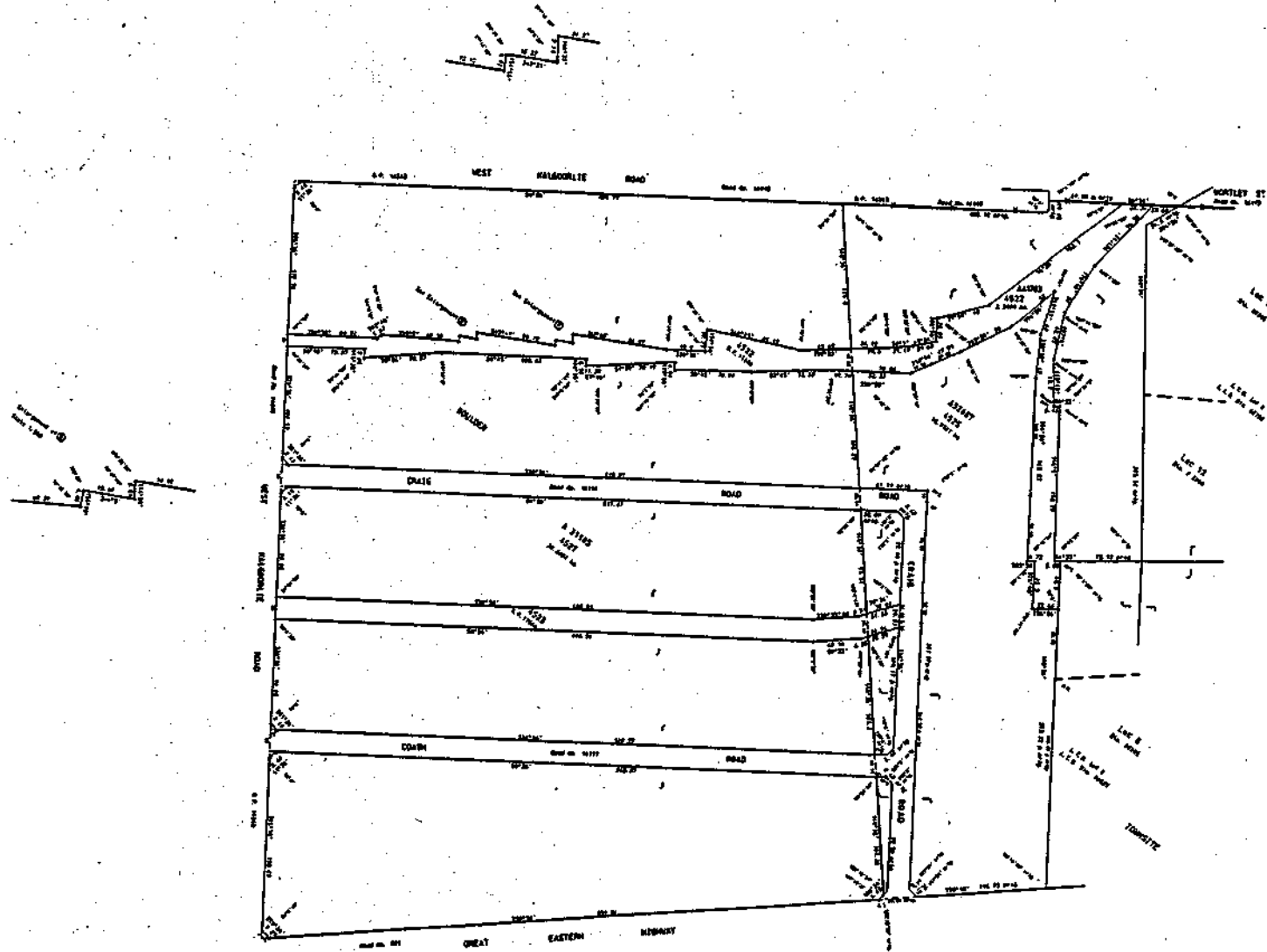
**INTERNAL LEASE PLAN
(UNSURVEYED AREAS)**

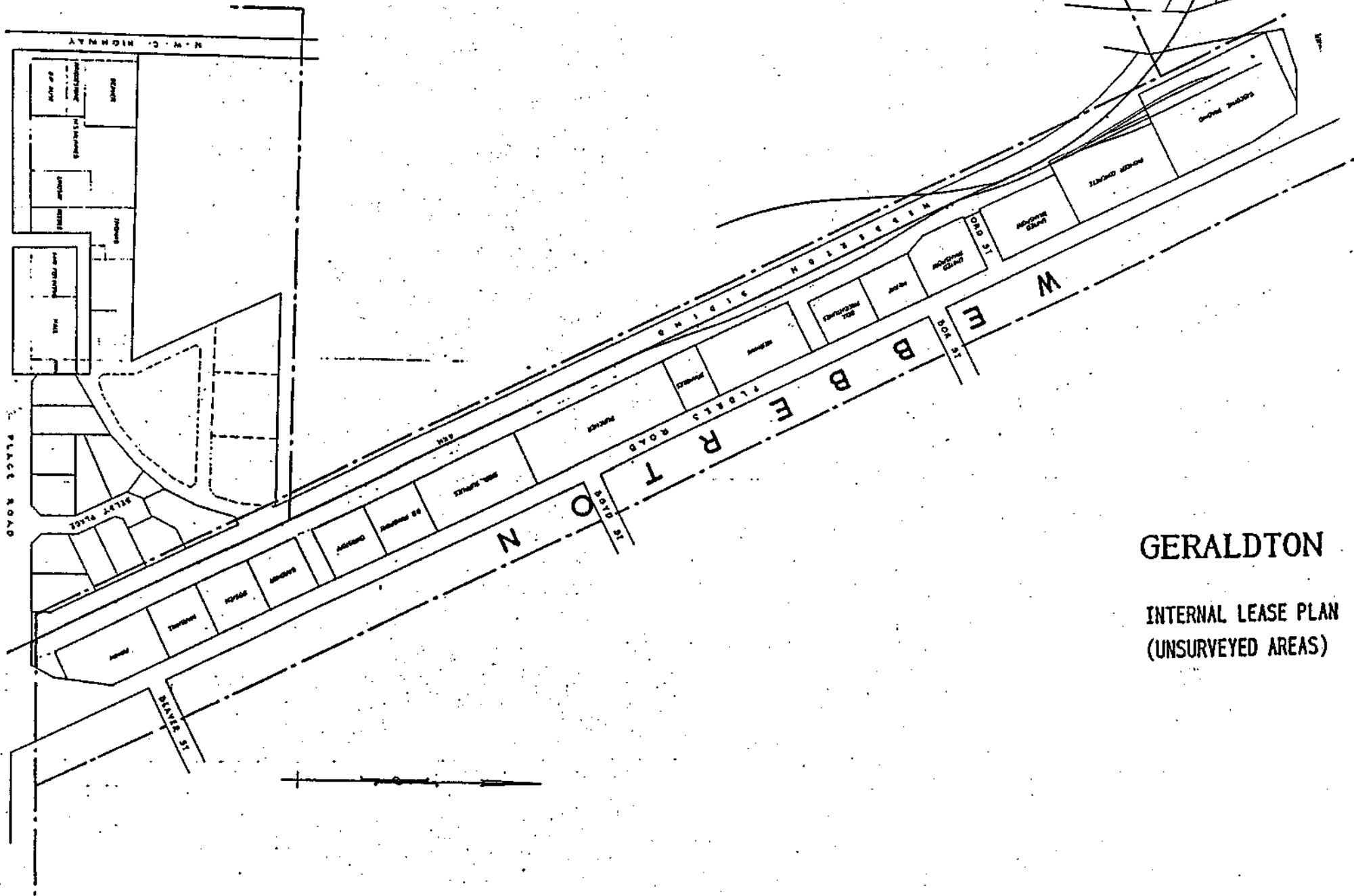


BOULDER

BOULDER

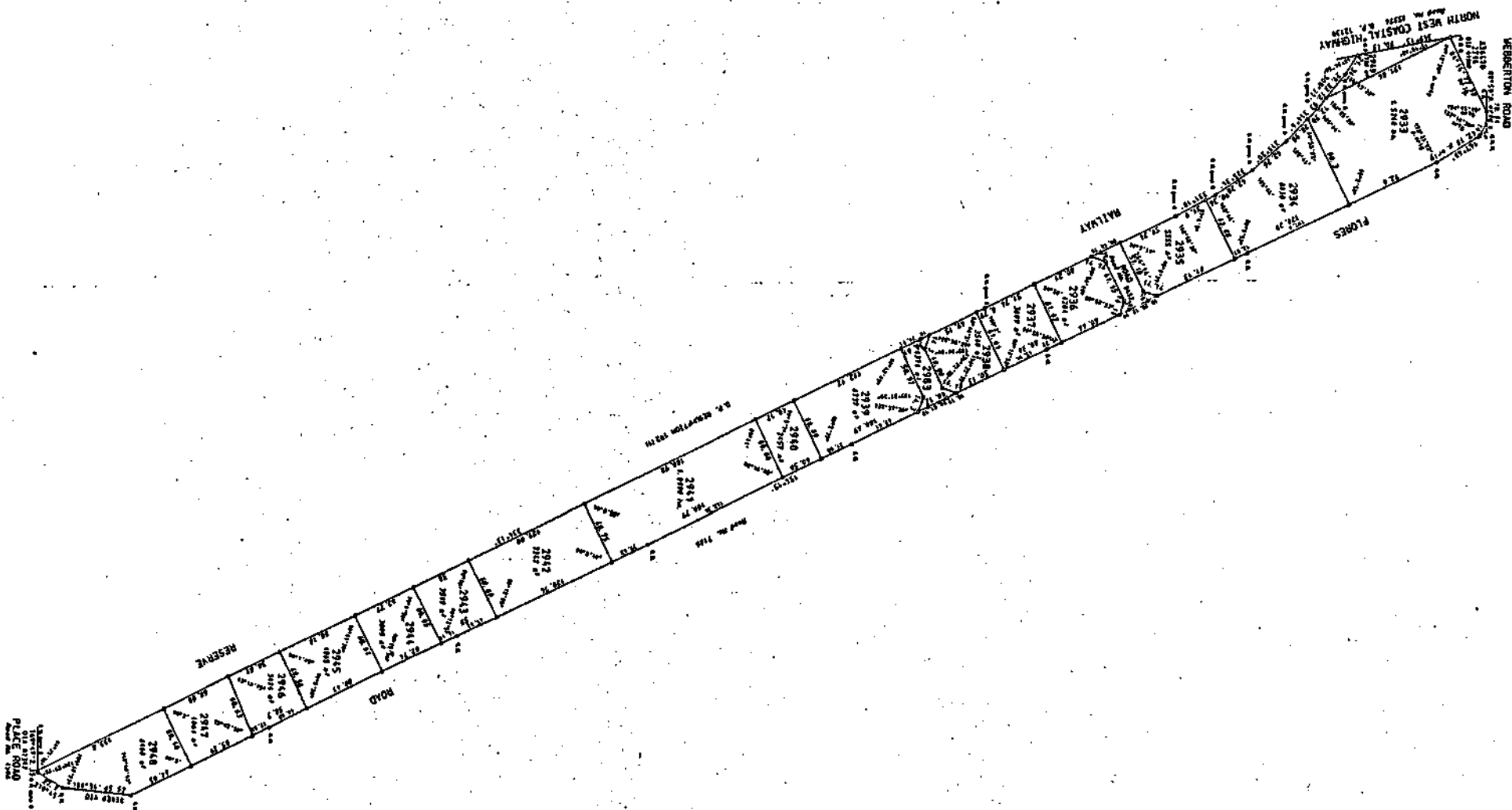
SUBJECT AREA





GERALDTON
INTERNAL LEASE PLAN
(UNSURVEYED AREAS)

GERALDTON



LAND DISTRICT VICTORIA		GERALDTON LOTS 2933 - 2949 (INCL), 2983 AND ROAD WIDENINGS EX VACANT CROWN LAND	
SURVEYOR'S CERTIFICATE			SCALE 1:2000
<small>I declare that this is a true and correct copy of the original as shown to me by the owner or possessor of the land, and that I have no reason to believe that it is not such a copy.</small>			FILE 14039/903 V2
<small>I declare that this is a true and correct copy of the original as shown to me by the owner or possessor of the land, and that I have no reason to believe that it is not such a copy.</small>			SURVEYOR G. J. MANNING PUBLIC PLAN 2933 29 29 29 2934 29 29 29 2935 29 29 29 2936 29 29 29 2937 29 29 29 2938 29 29 29 2939 29 29 29 2940 29 29 29 2941 29 29 29 2942 29 29 29 2943 29 29 29 2944 29 29 29 2945 29 29 29 2946 29 29 29 2947 29 29 29 2948 29 29 29 2949 29 29 29 2983 29 29 29 ROAD 29 29 29
I declare that this is a true and correct copy of the original as shown to me by the owner or possessor of the land, and that I have no reason to believe that it is not such a copy.			PUBLIC PLAN 2933 29 29 29 2934 29 29 29 2935 29 29 29 2936 29 29 29 2937 29 29 29 2938 29 29 29 2939 29 29 29 2940 29 29 29 2941 29 29 29 2942 29 29 29 2943 29 29 29 2944 29 29 29 2945 29 29 29 2946 29 29 29 2947 29 29 29 2948 29 29 29 2949 29 29 29 2983 29 29 29 ROAD 29 29 29
PLAN CERTIFIED CORRECT		DEPARTMENT OF LAND ADMINISTRATION	PLAN 17976

