



ANNO TRICESIMO

ELIZABETHAE SECUNDAE REGINAE

No. 21 of 1981

**An Act to amend the Land Act 1962–1978 and the Forestry
Act 1959–1979 each in certain particulars**

[ASSENTED TO 14TH MAY, 1981]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. Short title. (1) This Act may be cited as the *Land Act and Another Act Amendment Act 1981*.

(2) The *Land Act 1962–1978* is in this Act, save section 87, referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the *Land Act 1962–1981*.

2. Saving of certain perpetual lease selections and auction perpetual leases. Notwithstanding the repeal of sections 127 and 188 of the Principal Act by this Act, every relevant provision of the Principal Act relating to perpetual lease selections and auction perpetual leases granted or held under the *Irrigation Areas (Land Settlement) Act 1962–1972* or any other Act save the Principal Act shall continue in force and shall be deemed to continue to have the operation and effect it had immediately prior to the passing of this Act.

3. Amendment of s. 3. Division of Act. Section 3 of the Principal Act is amended by—

(a) in the heading “PART II”, omitting the words occurring after the words “*Division IV.—*” and substituting the words “*Designated Officers and Committees of Review (ss. 26–29c)*”;

(b) in the heading “PART IV”, omitting from the words occurring after the words “*Division V.—*” the words “*or Perpetual Lease*”;

(c) in the heading “PART VI”, omitting all words comprising the sub-heading “*Division IV*” and substituting the following sub-heading:—

“*Division IV.—Conversion of certain Grazing Selections and Settlement Farm Leases to Grazing Homestead Perpetual Leases (ss. 169A–169F)*”;

(d) in the heading “PART VIII”, omitting the words occurring after the sub-heading “*Division II.—*” and substituting the words “*Sale for an estate in Fee Simple of Land Comprised in a Special Lease (s. 207)*”.

4. Amendment of s. 5. Interpretation of terms. Section 5 of the Principal Act is amended by—

(a) in the definition “Selection”, omitting the words “the Commissioner or”;

(b) in the definition “Selector”, omitting the words “the Commissioner or”.

5. Amendment of heading immediately preceding s. 26. The Principal Act is amended by, in the heading immediately preceding section 26, omitting the words “*The Commissioner's Court*” and substituting the words “*Designated Officers and Committees of Review*”.

6. Repeal of ss. 26, 27, 28, 29. The Commissioner's Court. New ss. in lieu. The Principal Act is amended by repealing sections 26, 27, 28 and 29 and substituting the following sections:—

“ 26. Designated officers and Committees of Review. (1) The Minister—

- (a) may appoint a member of the Commission or other officer of the Department to be a designated officer;
- (b) may constitute a Committee of Review consisting of the following members nominated by him:—
 - (i) a member of the Commission or other officer of the Department who shall be chairman of the Committee;
 - (ii) two persons, not being officers of the Public Service, who are, in any case in which land is under consideration or to be the subject of investigation or inquiry by the Committee, experienced, in the opinion of the Minister, in the primary industry for which the land in question is best suited or who are, in any other case, appropriate persons, in the opinion of the Minister, having regard to the circumstances of the case,

to make such investigation or inquiry, furnish such recommendation or do such other act or thing as is prescribed by this Act or required by the Minister to be made, furnished or done by a designated officer or Committee of Review.

(2) The Minister may appoint such number of designated officers and constitute such number of Committees of Review as he thinks fit for the purposes of this Act and each such designated officer or Committee of Review may exercise or carry out his or its functions, powers or duties concurrently.

27. Non-participation of interested Committee member. A member of a Committee of Review shall not participate—

- (a) in the review or consideration of or the dealing with any application for Crown land in respect of which he has made an application or has a direct financial interest;
- (b) in the making of an investigation or inquiry, the furnishing of a recommendation or the doing of any other act or thing in which or in respect of which he has a direct financial interest.

28. Majority decision of Committee. In respect of a determination or decision required to be made, each member of a Committee of Review shall have one vote and if, in any case, the members of a Committee are not unanimous the decision of the majority of the members shall be the decision of the Committee.

29. Recommendation not binding on Minister. (1) Save where and to the extent that this Act otherwise provides, the Minister may refuse to accept any recommendation made by a designated officer or Committee of Review.

(2) A recommendation that the Minister has refused to accept in accordance with subsection (1) shall cease to be a recommendation by the designated officer or Committee of Review for the purposes of this Act.

(3) A decision by the Minister to refuse to accept a recommendation in accordance with subsection (1) is final and conclusive and not subject to appeal and shall not be questioned in any proceedings.

(4) The Minister, on refusing to accept a recommendation made by a designated officer or Committee of Review—

(a) may refer the matter back to the designated officer or Committee of Review for further consideration and recommendation:

(b) may appoint a different designated officer or constitute a different Committee of Review for the purpose of the reference and refer the matter to him or it for consideration and recommendation.”.

7. New ss. 29A, 29B, 29C. The Principal Act is amended by inserting after section 29 as inserted by this Act the following sections:—

“ **29A. Decision of designated officer or Committee final.** A determination or decision made by a designated officer or Committee of Review in the exercise or performance of his or its functions, powers or duties under this Act, save where and to the extent that this Act otherwise provides, is final and conclusive and not subject to appeal and shall not be questioned in any proceedings.

29B. Powers of Commission of Inquiry. For the purpose of a determination or decision to be made by him or it in the exercise or performance of his or its functions, powers or duties under this Act—

(a) a designated officer;

(b) a Committee of Review,

has and may exercise all the powers, authorities, rights, privileges, protection and jurisdiction of a Commission of Inquiry under *The Commissions of Inquiry Acts, 1950 to 1954* save such as are by those Acts reserved to a chairman of a Commission of Inquiry who is a Judge of the Supreme Court.

29C. Purpose of appointment or constitution to be specified. The Minister, when appointing a designated officer or constituting a Committee of Review, shall, by the instrument of appointment or constitution specify the purpose in respect of which the designated officer is appointed or the Committee of Review is constituted and the functions, powers and duties to be exercised or performed.”.

8. Amendment of s. 40. Jurisdiction of one member (1910, s. 31). Section 40 of the Principal Act is amended by, in subsection (1), omitting paragraph (b).

9. Amendment of s. 41. Powers of Court (1910, s. 32). Section 41 of the Principal Act is amended by—

- (a) omitting subsection (3);
- (b) omitting subsection (9) and substituting the following subsection:—

“(9) The Court may make such order as it thinks fit as to the costs of or incidental to any matter that it has jurisdiction to hear and determine including, without limiting the generality of this subsection, the costs of an adjournment or application made in a pending matter, allowances to witnesses attending for the purpose of giving evidence at the hearing and the costs of any survey of boundaries.

An order made pursuant to this subsection may be made an order of the Supreme Court.

A party to a matter to which this subsection refers may advise the Registrar that he desires the order of the Court to be made an order of the Supreme Court and thereupon the Registrar shall transmit to the Registrar of the Supreme Court at Brisbane, Rockhampton or, as the case requires, Townsville a sealed copy of the order and he shall cause that copy to be filed in the appropriate registry of the Supreme Court and upon such filing the order shall have effect as an order of the Supreme Court and may be enforced accordingly.

The Court may, upon making an order as to costs pursuant to this subsection, order that the costs be ascertained and fixed by the taxing officer of the Supreme Court at Brisbane (or where the parties agree and advise the Court accordingly at Rockhampton or Townsville), according to the scale of costs prescribed by law for the time being in respect of proceedings in the Supreme Court and the taxing officer is authorized and required to ascertain and fix such costs in accordance with that order.”.

10. New ss. 41A, 41B. The Principal Act is amended by inserting after section 41 the following sections:—

“**41A. Mutual discovery of information as to basic properties and the general nature of evidence.** (1) In a matter arising under this Act with respect to rental determinations or conversions of tenure—

- (a) the Minister, upon a reference of the matter to the Court pursuant to this Act or within 28 days after the date of such reference, shall advise the Registrar in writing;
- (b) the lessee, where he intends to adduce evidence at the hearing of a matter specified in this subsection, may, at the time he submits to the Registrar the valuation of the subject land or at a time thereafter not later than 7 days before the date of the hearing, advise the Registrar in writing,

of the general nature and type of the evidence on which he intends to rely at the hearing and, where he intends to rely on basic properties for the purposes of comparison, of particulars sufficient to identify clearly each such property and whether any such property has become a basic property following a determination by the Court or the Minister or following a sale of such property.

The Registrar shall furnish to the Minister a copy of all particulars submitted to him by the lessee pursuant to this subsection.

(2) The Registrar shall, where the lessee submits to him the information specified in subsection (1), furnish to the lessee in writing a copy of all particulars submitted to the Registrar by the Minister in accordance with that subsection.

(3) Where the lessee fails to submit to the Registrar the particulars specified in subsection (1), the Registrar shall not, without the express approval of the Court, disclose to the lessee before the hearing particulars of the basic properties submitted by the Minister but the Registrar may, in the exercise of his discretion, disclose to the lessee particulars of the general nature and type of evidence intended to be adduced by the Minister as submitted to the Registrar.

(4) This subsection does not operate so as to prevent the Minister or the lessee from adducing at the hearing evidence other than that of which notice has been given to the Registrar pursuant to subsection (1) as to—

- (a) value; or
- (b) basic material.

41B. Mutual exchange of valuations. (1) A party in a matter pending before the Court, at any time after receipt by him of the notice of hearing but not later than 14 days before the date appointed for the hearing, may make application to the Court for an order directing that the parties make mutual exchange of the valuations that the parties intend to put in evidence at the hearing and all data in the possession of the parties in support of those valuations.

- (2) An application pursuant to subsection (1)—
 - (a) shall be in the prescribed form;
 - (b) shall be lodged with the Registrar together with a copy of the valuation and all supporting data filed or to be filed in the Court;
 - (c) shall be served on the other party.

(3) The party on whom the application is served, within 7 days after the receipt by him thereof, shall furnish to the Registrar his comments thereon and advice as to whether or not he will consent to the making of the order together with a copy of the valuation that he intends to put in evidence at the hearing and all supporting data.

(4) The Registrar shall submit to the Court the application together with valuations and all supporting data lodged and such comments and advice as the other party furnishes in accordance with subsection (3).

Where the other party does not furnish within the time specified the comments, advice, valuations and supporting data that he is required to furnish, the Registrar shall submit to the Court with the application a statement to that effect.

(5) The Court shall hear and determine the application and may make an order granting the application upon such terms as to costs or otherwise and conditions as the Court thinks fit or may refuse it.

An order made under this subsection may provide for the mutual exchange of the valuations and supporting data as filed in the Court with the application or subsequently or of so much thereof as in the opinion of the Court is fair, having regard to those valuations and data.

(6) Notwithstanding subsection (1), the Court, on the date of the hearing—

(a) upon the application of a party in the matter pending or of its own motion; and

(b) upon hearing the views of the parties in the matter,

may make an order for mutual exchange of valuations and all supporting data in the possession of the parties and grant any necessary adjournment.

(7) A party shall not at the hearing of the matter make any amendment of, alteration to or substitution for a valuation or any other document mutually exchanged pursuant to an order made under this section unless he adduces evidence or makes submissions satisfactory to the Court in explanation and support of that amendment, alteration or substitution.

(8) The Registrar shall serve on each of the parties a copy of any order made under this section and thereupon, save where the order provides for the exchange to be made by the Registrar, the parties shall make mutual exchange of the valuations and other documents specified in the order within the time and in the manner specified in the order.

(9) If a party fails to comply with an order for mutual exchange made under this section within the time specified in the order, the party aggrieved may report the failure to the Court and the Court, on the date of the hearing—

(a) may proceed to hear and determine the matter; or

(b) may adjourn the matter to a specified date to enable the party so failing to comply with the order.

If at the resumed hearing, the Court is satisfied that the party concerned has still not complied with the order, it may proceed to hear and determine the matter forthwith.

The power to make orders as to costs conferred on the Court by section 41 (9) includes power to make such order as to costs as the Court thinks fit with respect to an adjournment granted by the Court under this subsection.”.

11. Amendment of s. 44. The Land Appeal Court. Section 44 of the Principal Act is amended by—

(a) omitting subsection (11) and substituting the following subsection:—

“(11) **Appeals to Land Appeal Court.** (a) A party who desires to appeal to the Land Appeal Court from a decision of the Land Court shall serve notice of appeal on all other parties directly affected by

the decision not later than 42 days after the pronouncement of the decision or, where an application for a rehearing is made pursuant to section 43 and refused, not later than 42 days after the pronouncement of the decision or not later than 14 days after the refusal of the Land Court to rehear the matter, whichever time is the later to expire.

(b) The appellant, within the time prescribed by paragraph (a) that is applicable to him for service of the notice of appeal, shall also lodge with the Registrar a copy of the notice of appeal and pay to the Registrar the prescribed fee.

(c) Where the Minister is the respondent party or one of the respondent parties to an appeal, service of the notice of appeal on the Minister shall be effected by serving it on the Secretary of the Commission.

(d) Where it appears to the Land Appeal Court that—

(i) within the time prescribed by paragraph (a) that is applicable to the particular case—

(A) the notice of appeal was not served on another party on whom it is required to be served;

(B) a copy of the notice of appeal was not lodged with the Registrar; or

(C) the prescribed fee was not paid to the Registrar,

but that the notice was served, the copy of the notice lodged or the fee paid not later than 28 days after the expiration of the time prescribed, and the appellant satisfies the Land Appeal Court that there is a reasonable cause or explanation for the lateness of the service, lodgment or payment; or

(ii) the notice of appeal or the copy lodged with the Registrar is defective in any particular but that either—

(A) the defect is not of such a nature as to result in a detriment to another party on whom it is required to be served or to mislead the Registrar in a material way; or

(B) the defect has been eliminated not later than 28 days after the expiration of the time prescribed, by notification of the defect by the appellant to the party concerned or to the Registrar in a manner satisfactory to the Land Appeal Court,

the appeal shall lie notwithstanding any Act, law or practice and, where the Land Appeal Court determines that the appeal so lies, such determination is final and not subject to appeal.”;

(b) in subsection (13),

(i) lettering the first paragraph as paragraph (a);

(ii) inserting after paragraph (a) as so lettered the following paragraphs:—

“(b) Not later than 7 days before the hearing of an appeal, each party shall notify in writing the other party or parties and the Registrar whether he intends to rely on the record of the Land Court or whether he proposes to adduce further evidence on the appeal.

(c) Where a party proposes to adduce further evidence on the appeal, the notification referred to in paragraph (b)—

- (i) shall contain or be accompanied by a brief statement of the nature of that evidence and the names, addresses and occupations of the witnesses through whom it is proposed to adduce it; and
- (ii) where that evidence consists of or includes a fresh valuation, shall contain a summary of items constituting the valuation and general particulars of all supporting data.

In a case to which subparagraph (ii) refers, the Land Appeal Court, on the date of the hearing of the appeal, may make an order for mutual exchange in accordance with section 41B (6) and for that purpose that subsection applies with and subject to all necessary adaptations.

(d) Evidence not notified in accordance with paragraph (c) may be adduced at the hearing of the appeal only with the consent of the Land Appeal Court given upon such terms as to costs and adjournments and such conditions as that Court thinks fit.”;

(iii) lettering the last paragraph as paragraph (e);

(iv) in paragraph (e) as so lettered, omitting the words “the Commissioner or”;

(c) omitting subsection (16) and substituting the following subsection:—

“(16) **Costs in Land Appeal Court.** The Land Appeal Court may make such order as it thinks fit as to the costs of and incidental to an appeal or other matter that the Court has jurisdiction to hear and determine including, without limiting the generality of this section, the costs of an adjournment or application made in a pending appeal, allowances to witnesses attending for the purpose of giving evidence at the hearing and the costs of any survey of boundaries and may rescind, confirm or modify any order as to costs made by the Land Court.

An order made pursuant to this subsection may be made an order of the Supreme Court.

A party to an appeal or other matter to which this subsection refers may advise the Registrar that he desires the order of the Court to be made an order of the Supreme Court and thereupon the Registrar shall transmit to the Registrar of the Supreme Court at Brisbane, Rockhampton or, as the case requires, Townsville a sealed copy of the order and he shall cause that copy to be filed in the registry of the appropriate Supreme Court and upon such filing the order shall have effect as an order of the Supreme Court and may be enforced accordingly.

The Land Appeal Court may, upon making an order as to costs pursuant to this subsection, order that the costs be ascertained and fixed by the taxing officer of the Supreme Court at Brisbane (or where the parties agree and advise the Land Appeal Court accordingly at Rockhampton or Townsville), according to the scale of costs prescribed by law for the time being in respect of proceedings in the Supreme Court and the taxing officer is authorized and required to ascertain and fix such costs in accordance with that order.”.

12. Repeal of s. 45. Appeal to Full Court on questions of law (1910, s. 36) and new ss. 45, 45A, 45B, 45C, 45D. The Principal Act is amended by repealing section 45 and substituting the following sections:—

“ 45. Appeal to Full Court on questions of law. (1) A party, including the Crown, aggrieved by a decision of the Land Appeal Court on the ground of error or mistake in law on the part of the Land Appeal Court or that it had no jurisdiction to make the decision or exceeded its jurisdiction in making the decision may appeal against that decision to the Full Court.

The notice of appeal shall contain the grounds of appeal and shall be filed with the Registrar of the Supreme Court within 42 days after the pronouncement of the decision the subject of the appeal and no later.

A copy of the notice of appeal shall be served on—

- (a) all other parties directly affected by the decision the subject of the appeal; and
- (b) the Registrar of the Land Appeal Court.

Subject to section 45C (1) (a), the appeal shall be limited to the grounds set forth in the notice of appeal.

(2) The Full Court has jurisdiction to hear and determine an appeal under subsection (1) and may make such orders with respect to the appeal, including an order as to costs, as it thinks proper.

(3) Without limiting or affecting in any other way this section, the Full Court, if it determines that there has been any error or mistake in law on the part of the Land Appeal Court, may set aside the decision of the Land Appeal Court and substitute in the stead thereof its own decision in determination of the issues between the parties or may remit the matter to the Land Appeal Court for the rehearing of those issues having regard to the determination of the Full Court.

45A. Case may be stated. (1) The Land Appeal Court, during the hearing of an appeal by it, may, of its own motion or at the request of a party to the appeal, state a case for the opinion of the Full Court on a point of law arising in the appeal and transmit the case to the Full Court.

(2) The Full Court shall hear argument on and determine a point of law the subject of the case stated and transmitted to it and may remit the matter to the Land Appeal Court with its opinion thereon or make such other orders in relation to the matter including any order as to costs as it thinks fit.

(3) The Full Court may remit a case stated to the Land Appeal Court to be amended or restated if it thinks it necessary so to do and thereupon the case shall be amended or restated accordingly and again transmitted to the Full Court for its opinion thereon.

(4) Upon remission by the Full Court of a matter to the Land Appeal Court with its opinion on a point of law that has arisen, the Land Appeal Court, prior to its determination of the appeal, may call for, admit and hear such further evidence as it thinks fit to enable it to make its determination in accordance with and having regard to the opinion of the Full Court.

45B. Appeals made and cases stated in accordance with Rules of Court.

An appeal made under section 45 and a case stated under section 45A shall be made and stated and all matters relating thereto shall be performed, carried out and done in accordance with the Rules of Court made with respect thereto.

45C. Powers of Full Court. (1) On the hearing of an appeal under section 45, the Full Court—

- (a) on application made in that behalf and upon being satisfied that it is in the interests of justice to do so, may amend any ground of appeal set forth in the notice of appeal;
- (b) may draw inferences of fact from facts found by the Land Appeal Court.

(2) On the hearing of a case stated for its opinion under section 45A, the Full Court may draw inferences of fact from facts stated in the case.

45D. Power to make Rules of the Supreme Court. (1) Rules of Court may be made in accordance with section 11 of *The Supreme Court Act of 1921* regulating the practice and procedure with respect to appeals and cases stated to the Full Court under this Act.

(2) Where Rules of Court made under subsection (1) do not extend to a particular case, the Full Court hearing that case may give such directions as it thinks fit and those directions shall, according to their tenor, have the same force and effect as Rules of Court made under that subsection.”

13. Amendment of s. 49. Opening of land for pastoral lease and withdrawing same (1910, s. 40). Section 49 of the Principal Act is amended by—

(a) in subsection (2), adding at the end thereof the following paragraph:—

“Applications to lease land under pastoral lease shall be dealt with by a Committee of Review.”;

(b) in subsection (3), omitting the word “Commissioner” and substituting the words “Committee of Review”.

14. Amendment of s. 56. Application for pastoral holding or pastoral development holding (1910, s. 41). Section 56 of the Principal Act is amended by—

(a) in subsection (2), omitting the word “Commissioner” and substituting the words “Committee of Review”;

(b) in subsections (5) and (6), omitting the word “Commissioner” wherever occurring and substituting in each case respectively the words “Committee of Review”;

(c) omitting subsection (8).

15. Amendment of s. 57. Application for preferential pastoral holding (1910, s. 41). Section 57 of the Principal Act is amended by—

- (a) omitting the word “Commissioner” wherever occurring and substituting in each case respectively the words “Committee of Review”;
- (b) in subsections (8) and (10), omitting the word “he” wherever occurring and substituting in each case respectively the word “it”;
- (c) omitting subsection (11);
- (d) in subsection (12), omitting paragraph (c).

16. Amendment of s. 58. Determination of successful applicant. Section 58 of the Principal Act is amended by omitting the word “Commissioner” wherever occurring and substituting in each case respectively the words “Committee of Review”.

17. Amendment of s. 59. First year’s rent, etc. Section 59 of the Principal Act is amended by omitting the word “Commissioner” wherever occurring and substituting in each case respectively the words “Committee of Review”.

18. Amendment of s. 61. Conditions generally (1910, ss. 42, 43). Section 61 of the Principal Act is amended by—

- (a) inserting after paragraph (d) the following paragraph:—
“(da) In no case shall the annual rent for the term of the lease or, as the case may be, a rental period be less than \$30.

In respect of a lease the term of which commenced prior to the passing of the *Land Act and Another Act Amendment Act 1981*, this paragraph (da) applies on and from 1 July 1981.”

- (b) in paragraph (e), inserting at the end thereof the following subparagraph:—

“Notwithstanding this paragraph (e), where in respect of a second or subsequent rental period of the term of a lease, the report and valuation required to be furnished to the Court by the Minister in accordance with section 38 indicate a total annual rent of the minimum rent specified in paragraph (da) or less for the rental period in question, the Minister shall determine such annual rent at the minimum rent so specified and thereupon shall notify the lessee of the annual rent as recommended and the annual rent as actually determined. A determination of the annual rent by the Minister in accordance with this paragraph (e) shall have the same force and effect as a determination of that rent by the Court.”

19. Amendment of s. 73. When new lease to issue in substitution for subsisting lease (1958, s. 59). Section 73 of the Principal Act is amended by—

- (a) in subsection (3),
 - (i) in paragraph (a), omitting the word “forty” and substituting the figures “75”;

(ii) omitting paragraph (f) and substituting the following paragraph:—

“(f) where at any time during the term of the lease the Minister is satisfied following investigations made by the Commission that—

(i) a sale has not been made of stud merino rams or stud bulls or that sales made have been below the number required by a special condition of the lease, in either case for a continuous period of 15 years; or

(ii) the lessee has failed to perform any other condition of the lease,

the Minister may recommend that the Governor in Council by Order in Council declare that the lease be converted to a pastoral holding and the Governor in Council may declare accordingly; this paragraph (f) applies subject to subsection (5).”;

(b) omitting subsection (4);

(c) in subsection (6), omitting the first paragraph and substituting the following paragraph:—

“Upon the coming into operation of an Order in Council made under subsection (3) (f), the lease of the stud holding in question shall be converted to a pastoral holding subject always to the terms and conditions prescribed by this Act with respect to pastoral holdings save that the term of the lease as so converted shall be the balance of the term of the lease of the stud holding then subsisting, calculated from the anniversary of the date of commencement of the term of that lease that last occurred prior to the coming into operation of the Order but in no case shall the term of the lease as so converted exceed 30 years.”;

(d) adding at the end thereof the following subsection:—

“(7) The operation of an Order in Council made in accordance with subsection (3) (f) shall not affect or prejudice in any way any mortgage, charge, sublease, easement, agreement, order or other encumbrance, estate or interest subsisting over, upon or in the land comprised in the lease.”.

20. New s. 73A. The Principal Act is amended by inserting after section 73 the following section:—

“**73A. Extension of term of lease of stud holding.** (1) The term of the lease of a stud holding subsisting at the passing of the *Land Act and Another Act Amendment Act 1981* is extended by 35 years.

(2) The Registrar of Dealings shall make an appropriate noting upon the instrument of lease of every stud holding to which this section applies.

(3) The last rental period of a lease that is extended by this subsection shall be such that the duration of the rental period of the lease current at the date when it was so extended and each subsequent rental period (other than the last) shall remain at 10 years.”.

21. Amendment of s. 74. Renewal of lease of stud holding (1958. s. 60). Section 74 of the Principal Act is amended by—

- (a) numbering the present section as subsection (2);
- (b) in subsection (2) as so numbered, omitting the word “ five ” and substituting the figures “ 15 ”;
- (c) inserting before subsection (2) as so numbered the following subsection:—

“ (1) Subject to this Act, the lease of every stud holding, the land comprised in which has always been and is at all times being used in accordance with the conditions of the lease, shall be deemed to contain a covenant entitling the lessee on the expiry of the lease to the grant of a new lease.”.

22. Amendment of s. 79. Provisions applicable to occupation licenses (1910, s. 47). Section 79 of the Principal Act is amended by—

- (a) in subsection (2), adding at the end thereof the following paragraph:—

“ In no case shall the annual rent be less than \$30. This provision does not apply in respect of a license subsisting immediately prior to the passing of the *Land Act and Another Act Amendment Act 1981*, unless that license is renewed in accordance with this section and in that event this provision applies on and from 1 January 1982.”;

- (b) in subsection (7), omitting the word “ Commissioner ” and substituting the words “ Committee of Review ”.

23. Amendment of s. 81. Opening land for selection and withdrawing the same (1910, s. 48). Section 81 of the Principal Act is amended by, in subsection (3), omitting the words “ Commissioner or the Committee of Review, as the case may be,” and substituting the words “ Committee of Review ”.

24. Amendment of s. 83. Classes and modes of selections (1910, s. 50). Section 83 of the Principal Act is amended by—

- (a) in subsection (1), adding at the end thereof the following paragraph:—

“ On and from the passing of the *Land Act and Another Act Amendment Act 1981*—

- (a) land shall not be opened for selection as perpetual lease selection;
 - (b) a new lease shall not be granted under perpetual lease selection tenure in substitution for a subsisting lease of a holding to which Part VI applies;
 - (c) land shall not be granted under perpetual lease selection tenure as an additional area under Division VI of Part X.”;
- (b) omitting subsection (2).

25. Amendment of s. 84. Maximum area declared by opening notification (1910, s. 56). Section 84 of the Principal Act is amended by—

- (a) in subsection (1), omitting paragraph (b);

(b) omitting subsection (2) and substituting the following subsection:—

“(2) Land exceeding 1 050 hectares in area may be opened for agricultural farm if conditions are imposed requiring an expenditure of at least \$25 per hectare within a specified time on the improvement and development of the land, including structural improvements.”.

26. Amendment of s. 87. What opening notification shall specify (1910, s. 54). Section 87 of the Principal Act is amended by—

(a) in subsection (1), omitting paragraphs (h) and (i);

(b) in subsection (4), omitting the words “or perpetual lease selection”.

27. Repeal of and new s. 88 and heading. Methods of application to select land. The Principal Act is amended by repealing section 88 and the heading immediately preceding that section and substituting the following heading and section:—

“Method of Application to Select Land

88. Method of application to select land. Applications to select land open for selection shall be made, considered and dealt with by the selective method.”.

28. Repeal of s. 89 and heading. Open method of application. The Principal Act is amended by repealing section 89 and the heading immediately preceding that section.

29. Amendment of s. 90. Selective method of application. Section 90 of the Principal Act is amended by omitting subsections (5), (6) and (7).

30. Amendment of s. 96. Applications to be lodged in prescribed form (1910, s. 66). Section 96 of the Principal Act is amended by—

(a) in subsection (4), omitting the words “the Commissioner or”;

(b) omitting subsection (5);

(c) in subsection (6), omitting the words “the Commissioner, or” wherever occurring;

(d) in subsection (8), omitting the words “of the Commissioner or” wherever occurring;

(e) in subsection (11), omitting the words “the Commissioner or” wherever occurring;

(f) omitting subsection (12).

31. Amendment of s. 98. Applications to be made in good faith. Section 98 of the Principal Act is amended by—

(a) in subsection (2), omitting the words “the Commissioner or”;

(b) in subsection (5), omitting the words “the Commissioner or” wherever occurring;

(c) omitting subsection (6).

32. Amendment of s. 99. Determination of successful applicant. Section 99 of the Principal Act is amended by—

- (a) in subsection (1),
 - (i) omitting the words “ the Commissioner or of ”;
 - (ii) omitting the words “ the Commissioner or ” wherever occurring;
- (b) in subsections (2), (3) and (4), omitting the words “ the Commissioner or ” wherever occurring.

33. Amendment of s. 100. Payment of balance of first year’s rent, etc. Section 100 of the Principal Act is amended by—

- (a) in subsection (1), omitting the words “ Commissioner or ”;
- (b) in subsection (2), omitting the words “ the Commissioner or ”.

34. Amendment of s. 101. Approval by Court and notice to applicant (1910, s. 74). Section 101 of the Principal Act is amended by, in subsection (1),

- (a) omitting the words “ the Commissioner or ” wherever occurring;
- (b) omitting the last paragraph and substituting the following paragraphs:—

“ The Court shall not refuse an application without giving the applicant notice and if he so desires hearing him in open Court.

The decision refusing an application shall be pronounced in open Court.

Where the Court approves the application, the decision of the Committee of Review thereon is final and not subject to appeal.

Where the decision of the Committee of Review accepting an application for land has been determined by lot as prescribed, the Court shall not refuse an application or reverse the decision of the Committee of Review on the grounds of—

- (a) the inclusion in the ballot of an unqualified applicant who was not the successful applicant;
- (b) the exclusion from the ballot of a qualified applicant; or
- (c) an irregularity in the form of an unsuccessful application for the same land or in the mode of lodging that application with the Land Agent,

if the Court is satisfied that the Committee of Review acted in good faith and in a reasonable manner in the circumstances known to it at the time.”.

35. Amendment of s. 125. When fee-simple of agricultural farm or grazing homestead freeholding lease may be acquired (1910, s. 100). Section 125 of the Principal Act is amended by—

- (a) in the first paragraph, omitting the words “ the amount then unpaid of the purchasing price and interest thereon, if any, to the date of such payment ” and substituting the following words:—
“ in full satisfaction of the purchasing price of the land comprised in the lease or, as the case may be, the balance thereof then outstanding the

present value of such purchasing price or balance, calculated on the basis of an interest earning rate of 5 per centum per annum—

- (a) where the payment is made within 3 months after the date notification is given to the Minister in accordance with section 142 of the lessee's election to proceed, over the full term of the lease;
- (b) in any other case, over the term of the lease yet to run from and including the date on which the next annual instalment of the purchasing price would have become due and payable";
- (b) in the second paragraph, inserting after the words "on account of" the words "commercial timber,";
- (c) adding at the end thereof the following paragraph:—

"Subparagraph (b) of the first paragraph applies, in respect of agricultural farms and grazing homestead freeholding leases subsisting immediately prior to the passing of the *Land Act and Another Act Amendment Act 1981*, to the unexpired portions of the terms of the leases thereof remaining on and from that date."

36. Repeal of s. 127. Perpetual lease selections (1910, s. 104). *New ss. 127 in lieu, 127A.* The Principal Act is amended by repealing section 127 and substituting the following sections:—

"**127. Perpetual lease selections (1910, s. 104).** (1) The lease of a perpetual lease selection shall be a lease in perpetuity.

(2) The rental period of each lease that was current on 31 December 1980 shall be deemed to have terminated on that date.

(3) The annual rent of a perpetual lease selection subsisting immediately prior to the passing of the *Land Act and Another Act Amendment Act 1981* that was due for assessment on or before 31 December 1980 but that had not then been assessed shall be assessed as if that Act had not been passed.

(4) In respect of a perpetual lease selection granted pursuant to an application under section 137, 139 or 271 the term of which commenced on or after 1 January 1981, this section applies on and from the date of commencement of the term of the lease and, for the purposes of subsection (5), the unimproved capital value of the land shall be the unimproved value that was determined as prescribed for the first rental period thereof.

(5) In the case of a perpetual lease selection subsisting immediately prior to the passing of the *Land Act and Another Act Amendment Act 1981* the annual rent whereof is a sum equal to 2.5 per centum of the unimproved capital value of the land as notified or determined by the Court, the annual rent reserved on and from 1 January 1981 for the period of 40 years next following that date shall be one-fortieth of the unimproved capital value of the land notified or determined for the rental period current on 31 December 1980 and thereafter, notwithstanding subsection (7), shall be a peppercorn, if demanded.

(6) In the case of a perpetual lease selection subsisting immediately prior to the passing of the *Land Act and Another Act Amendment Act 1981* the annual rent whereof is a sum equal to 1.5 per centum of the unimproved capital value of the land as notified or determined by the Court, the annual rent reserved on and from 1 January 1981 for the period of 60 years next following that date shall be one-sixtieth of the unimproved capital value of the land notified or determined for the rental period current on 31 December 1980 and thereafter, notwithstanding subsection (7), shall be a peppercorn, if demanded.

(7) In no case shall the annual rent be less than \$30. This subsection does not apply to a lease in respect of which the lessee elects in accordance with this Act to pay his total rent commitment on or before 31 December 1981 or within such extended time thereafter as the Minister in his discretion allows.

(8) Where immediately prior to 1 January 1981 there are in respect of a perpetual lease selection amounts due and payable and unpaid of the rent thereof, such amounts, unless paid together with any penalty payable as prescribed with respect thereto, shall be deemed to be arrears of rent payable under this Act in respect of the lease and this Act applies accordingly.

(9) The lease of a perpetual lease selection shall not include a covenant entitling the lessee to a deed of grant in fee simple.

(10) Notwithstanding subsection (9), a lessee of a perpetual lease selection, at any time during the period of 40 years or, as the case may be, 60 years specified in subsection (5) or (6) by notice in writing lodged with the Minister, may elect to discharge his total rent commitment for that period by paying in full satisfaction of that commitment or, as the case may be, the balance thereof then outstanding the amount of the present value of that commitment or, as the case may be, balance, calculated on the basis of an interest earning rate of 5 per centum per annum—

- (a) where the payment is made on or before 31 December 1981 or within such extended time as the Minister in his discretion allows, over the number of years in the whole of the period so specified;
- (b) in any other case, over the number of years that the period so specified has still to run from and including 1 January, or, in a case where the term commences on a date other than 1 January, the quarter day that is the anniversary of the date of commencement of the lease next following the date of election to the end of the period in question.

Where the annual rent payable for any portion of the period is the minimum rent specified in subsection (7), the annual rent for the purpose of calculating the balance of the total rent commitment shall be one-fortieth, or as the case requires, one-sixtieth of the unimproved capital value.

(11) Upon the election or at any time thereafter, the lessee may apply to the Minister for a grant in fee simple of the land comprised in the lease and—

- (a) shall pay to the Crown all moneys payable in respect of the rent commitment calculated as prescribed and any moneys unpaid on account of commercial timber or on any other account in respect of the lease;
- (b) shall surrender all his right, title and interest in the lease;
- (c) shall pay the prescribed deed fee and assurance fee.

Upon compliance with this subsection the lessee, subject to this Act, shall be entitled to a grant in fee simple of the land comprised in the lease and to the issue to him of a deed of grant in respect of that land.

(12) Where the term of 40 years or, as the case may be, 60 years has expired and the lessee has paid all moneys due and payable under the lease on any account, the lessee, upon surrender of all his right, title and interest in the lease and payment of the deed fee and assurance fee, shall, subject to this Act, be entitled to a grant in fee simple of the land comprised in the lease and to the issue to him of a deed of grant in respect of that land.

(13) This section does not operate so as to affect or prejudice in any way any mortgage, charge, sublease, easement, agreement, order or other encumbrance, estate or interest subsisting over, upon or in the land comprised in the lease.

(14) The Registrar of Dealings shall make an appropriate noting upon the instrument of lease of every selection to which this section applies.

127A. Lessee may elect to have unimproved capital value determined by Court. (1) Notwithstanding section 127, a lessee of a perpetual lease selection to which that section applies, not later than 6 months after the passing of the *Land Act and Another Act Amendment Act 1981*, may apply to the Minister in writing to have the unimproved capital value of the land comprised in the lease for the period specified in subsection (5) or, as the case may be, (6) of that section determined by the Court.

(2) Upon application made under subsection (1), the Minister shall refer the matter to the Court for hearing and determination.

The Court shall determine the unimproved capital value of the land as if it were land held in fee simple at the date of commencement of the rental period which, for the purpose of that determination, shall be deemed to be 10 years commencing on 1 January 1981.

All the provisions of this Act that are applicable to the determination of rent of perpetual lease selections under this Act shall be applicable to a determination of unimproved capital value made under this section.

(3) The determination of the Court made under this section shall be the unimproved capital value for the purposes of subsection (5) or, as the case may be, (6) of section 127 and until that determination is made the lessee shall pay rent at the rate prescribed by the relevant subsection.

(4) Where the unimproved capital value determined by the Court is different from the unimproved capital value for the rental period current on 31 December 1980, a due adjustment shall be made to the rent reserved on and from 1 January 1981 for which purpose amounts paid in excess shall be credited to the lessee in payment of future rent or, at his request, refunded to him, and amounts short paid shall be recoverable as unpaid rent.

(5) An application under this section, unless withdrawn prior to the determination of the Court, and the determination made by the Court thereon, shall bind the lessee in question and his successors in interest.”.

37. Amendment of s. 130. Tenure (1910, s. 114A). Section 130 of the Principal Act is amended by, in subsection (3),

(a) inserting after the first paragraph the following paragraph:—

“In no case shall the annual rent be less than \$30. In respect of a lease the term of which commenced prior to the passing of the *Land Act and Another Act Amendment Act 1981*, this paragraph applies on and from 1 January 1982.”;

(b) adding at the end of the subsection the following paragraph:—

“Notwithstanding this subsection, where in respect of a second or subsequent rental period of the term of a lease the report and valuation required to be furnished to the Court by the Minister in accordance with section 38 indicate a total annual rent of the minimum rent specified in this subsection or less for the rental period in question, the Minister shall determine such annual rent at the minimum rent so specified and thereupon shall notify the lessee of the annual rent as recommended and the annual rent as actually determined. A determination by the Minister in accordance with this subsection shall have the same force and effect as a determination of that rent by the Court.”.

38. Amendment of s. 131. Tenure (1910, s. 109). Section 131 of the Principal Act is amended by, in subsection (3),

(a) inserting after the first paragraph the following paragraph:—

“In no case shall the annual rent be less than \$30. In respect of a lease the term of which commenced prior to the passing of the *Land Act and Another Act Amendment Act 1981*, this paragraph applies on and from 1 January 1982.”;

(b) adding at the end of the subsection the following paragraph:—

“Notwithstanding this subsection, where in respect of a second or subsequent rental period of the term of a lease the report and valuation required to be furnished to the Court by the Minister in accordance with section 38 indicate a total annual rent of the minimum rent specified in this subsection or less for the rental period in question, the Minister shall determine such annual rent at the minimum rent so specified and thereupon shall notify the lessee of the annual rent as recommended and the annual rent as actually determined. A determination by the Minister in accordance with this subsection shall have the same force and effect as a determination of that rent by the Court.”.

39. Amendment of s. 135 and saving. Perpetual lease selections (1957, s. 4). (1) Section 135 of the Principal Act is amended by omitting the words “ under the provisions of this Act or ”.

(2) Every application under section 135 of the Principal Act in respect of a perpetual lease selection under that Act received by the Minister on or before 31 December 1980 and not completed prior to the passing of this Act shall be continued and completed as if this Act had not been passed and for that purpose every relevant provision of the Principal Act shall, notwithstanding any provision of this Act, continue in force and shall be deemed to continue to have the operation and effect it had immediately prior to the passing of this Act.

For the purposes of this subsection, an application shall be deemed to have been completed when the applicant duly made the election prescribed by section 142 of the Principal Act as in force immediately prior to the passing of this Act or when the application lapsed as prescribed by the Principal Act or was duly rejected by the Minister.

40. Amendment of s. 136. Determination of unimproved value (1957, s. 5). Section 136 of the Principal Act is amended by—

- (a) in subsection (1), omitting the words “ subsection (2) of this section and ”;
- (b) omitting subsection (2).

41. Amendment of s. 137 and saving. Settlement farm leases (1959, s. 22). (1) Section 137 of the Principal Act is amended by omitting the word “ either ” and the words “ or to a perpetual lease selection ”.

(2) Every application under section 137 of the Principal Act for conversion of a settlement farm lease received by the Minister and not completed prior to the passing of this Act shall be deemed to be an application under the Principal Act as amended by this Act.

For the purposes of this subsection, an application shall be deemed to have been completed when the applicant duly made the election prescribed by section 142 of the Principal Act as in force immediately prior to the passing of this Act or when the application lapsed as prescribed by the Principal Act or was duly rejected by the Minister.

42. Amendment of s. 139 and saving. Grazing selections. (1) Section 139 of the Principal Act is amended by, in paragraph (b), omitting subparagraphs (i) and (ii) and substituting the words “ to a grazing homestead freeholding lease.”.

(2) Every application under section 139 of the Principal Act for conversion of a grazing selection to a perpetual lease selection received by the Minister and not completed prior to the passing of this Act shall be deemed to be an application under the Principal Act as amended by this Act.

For the purposes of this subsection, an application shall be deemed to have been completed when the applicant duly made the election prescribed by section 142 of the Principal Act as in force immediately prior to the passing of this Act or when the application lapsed as prescribed by the Principal Act or was duly rejected by the Minister.

43. Amendment of s. 140. Matter to be certified by the Commission (1959, s. 26). Section 140 of the Principal Act is amended by—

- (a) in subsection (1), omitting paragraphs (a) and (b);
- (b) omitting subsection (2);
- (c) in subsection (3), omitting paragraph (a).

44. Amendment of s. 142. Lessee to elect whether to proceed with conversion of tenure (1957, s. 6, 1959, s. 24). Section 142 of the Principal Act is amended by, in subsection (1),

- (a) in paragraph (b), omitting the words “ or to a perpetual lease selection and shall specify which of these two tenures he elects to take ”;
- (b) in paragraph (c), omitting the words “ or, if he is thereunto entitled, to a perpetual lease selection ”.

45. Amendment of s. 143 and heading. Terms and conditions of new agricultural farms (1957, s. 7, 1959, s. 27). Section 143 of the Principal Act is amended by—

- (a) in the heading immediately preceding the section, omitting the words “ *and Perpetual Lease Selections* ”;
- (b) omitting the words “ perpetual lease selection or a settlement farm ”;
- (c) in paragraph (e), omitting the words “ perpetual lease selection, or settlement farm ”.

46. Repeal of s. 144 and saving. Terms and conditions of new perpetual lease selections (1959, s. 28). (1) The Principal Act is amended by repealing section 144.

(2) Notwithstanding the repeal of section 144 of the Principal Act by this Act, that section shall continue in force and shall be deemed to continue to have the operation and effect it had immediately prior to the passing of this Act in respect of perpetual lease selections to which that section applied immediately prior to the passing of this Act or to perpetual lease selections granted after the passing of this Act pursuant to an entitlement to a perpetual lease selection under the Principal Act.

47. Amendment of s. 147A. Limitation on sale of freeholded grazing homestead freeholding lease. Section 147A of the Principal Act is amended by—

- (a) in subsection (1), omitting the word “ assigned— ” and paragraphs (a) and (b) and substituting the words “ assigned to a corporation or to a natural person upon or subject to a trust for a corporation,”;

(b) omitting subsections (3), (4), (5) and (6);

(c) omitting subsection (8) and substituting the following subsection:—

“(8) Every instrument of transfer or assignment of land granted in fee simple subject to the condition prescribed by subsection (1) shall be accompanied by—

(a) a statutory declaration by the transferee or assignee setting forth—

(i) full particulars as to the identity of the effective control of the corporation in question and whether or not majority control is in the hands of persons resident outside Australia;

(ii) references to the description and area of all other lands, if any, in the State in which the transferee or assignee has an interest and the nature of such interest;

(b) a certificate by the Valuer-General setting forth the unimproved value of the land the subject of the transfer or assignment and of all other land in the State in which the transferee or assignee has any interest, which certificate may be a copy of or an extract from the appropriate valuation roll certified by the Valuer-General as a true copy or extract.

The Minister may require a party to an instrument of transfer or assignment in a particular case to furnish to him, within a time specified by him, such additional information or further particulars as the Governor in Council or the Minister considers necessary for the purposes of this section.”;

(d) inserting after subsection (8) the following subsection:—

“(9) The Registrar of Titles shall make all necessary entries or endorsements in the register books as he thinks fit and do and execute all such other acts, matters and things as he thinks necessary and proper to record the discharge, from any deed of grant or certificate of title already issued subject to this section, of the condition prescribed by subsection (1).”.

48. Amendment of s. 147E. Conditions of discharge of reservation.

Section 147E of the Principal Act is amended by omitting subsection (2).

49. Amendment of s. 169A and heading. Application for conversion.

Section 169A of the Principal Act is amended by—

(a) omitting the heading immediately preceding the section and substituting the following heading:—“*Division IV.—Conversion of certain Grazing Selections and Settlement Farm Leases to Grazing Homestead Perpetual Leases*”;

(b) omitting subsection (1) and substituting the following subsection:—

“(1) A lessee of a grazing selection or settlement farm lease may at any time apply to the Minister to have the tenure of that selection or, as the case may be, lease converted to that of a grazing homestead perpetual lease.

In the case of a grazing selection or settlement farm lease subsisting immediately prior to the passing of the *Land Act and Another Act Amendment Act 1981* or a lease in respect of a grazing selection or settlement farm lease issued under this Part in respect of a grazing selection or settlement farm lease subsisting immediately prior to the passing of that Act, the application shall be made not later than the day immediately prior to the quarter day last preceding the date of expiration of the lease.”;

(c) in subsection (2),

(i) in subparagraph (i) of paragraph (c), inserting after the word “selection” the words “or settlement farm lease”;

(ii) in paragraph (d), inserting after the word “selection” the words “or settlement farm lease”.

50. Repeal of and new s. 169B. Procedure on application. The Principal Act is amended by repealing section 169B and substituting the following section:—

“**169B. Entitlement to grazing homestead perpetual lease.** Upon receipt by the Minister prior to the date of expiration of the subsisting lease of an application in accordance with section 169A duly made, the applicant shall be entitled to the grant of a grazing homestead perpetual lease in respect of the whole of the land the subject of the application.

The Governor in Council may grant to the lessee concerned a grazing homestead perpetual lease.”.

51. Amendment of s. 169C. Provisions, terms and conditions of grazing homestead perpetual lease. Section 169C of the Principal Act is amended by—

(a) omitting paragraph (c) and substituting the following paragraph:—

“(c)—

(i) where there is, at the date of commencement of the grazing homestead perpetual lease, a balance of the rental period of the grazing selection or settlement farm lease current at the date on which the Minister received the application pursuant to section 169A, the annual rent payable under the grazing homestead perpetual lease for the first rental period thereof, which shall be that balance, shall be the amount payable under the lease issued in respect of the grazing selection or, as the case may be, settlement farm lease immediately prior to the date of its surrender;

(ii) where there is not, at the date of commencement of the grazing homestead perpetual lease, a balance of the rental period of the grazing selection or settlement farm lease current at the date on which the Minister received the application pursuant to section 169A, the annual rent payable under the grazing homestead perpetual lease for the first rental period thereof, which shall be 10 years, shall be the

amount determined by the Court on the recommendation of the Minister and section 248, with and subject to all necessary adaptations, applies accordingly.”;

(b) in paragraphs (e), (f), (g) and (h) inserting after the word “selection” wherever occurring the words “or settlement farm lease” in each case respectively;

(c) omitting paragraph (j).

52. Repeal of s. 180. Perpetual town, suburban or country leases (1910, s. 121 (1)). The Principal Act is amended by repealing section 180.

53. Repeal of s. 181. Matters to be stated in sale notification (1910, s. 121 (1)). The Principal Act is amended by repealing section 181.

54. Repeal of s. 182. Conditions of sale to be read (1910, s. 118). The Principal Act is amended by repealing section 182.

55. Repeal of s. 183. Who deemed purchaser (1910, ss. 118, 121 (1), reg. 5-3-36). The Principal Act is amended by repealing section 183.

56. Repeal of s. 184. Land sold after auction. Simultaneous applications (1910, s. 119). The Principal Act is amended by repealing section 184.

57. Amendment of s. 186. Limitation as to holding (1910, s. 121 (1)). Section 186 of the Principal Act is amended by, in the second proviso, omitting the words “bid or apply for” and substituting the word “acquire”.

58. Amendment of s. 187. Trusts (1910, s. 121 (1)). Section 187 of the Principal Act is amended by—

(a) in subsection (4), omitting the words “apply for, bid for,”;

(b) in subsection (5), omitting the words “apply for, bid for, acquire,” and substituting the word “acquire”.

59. Repeal of s. 188. Term of lease (1910, s. 121 (1)). New ss. 188 in lieu, 188A. The Principal Act is amended by repealing section 188 and substituting the following sections:—

“**188. Term of lease and rent of certain auction perpetual leases.** (1910, s. 121 (1)). (1) (a) This section applies to every auction perpetual lease subsisting at the passing of the *Land Act and Another Act Amendment Act 1981* held under this Act that is a perpetual town lease, perpetual suburban lease or perpetual country lease but does not apply to a non-competitive lease endorsed in the records of the Department as a perpetual town lease (non-competitive lease), perpetual suburban lease (non-competitive lease) or perpetual country lease (non-competitive lease) or to a lease deemed under this Act to be a lease for a term of years.

(b) This section does not apply to a perpetual town lease, perpetual suburban lease or perpetual country lease in respect of which an application under section 191 was received by the Minister prior to the passing of the *Land Act and Another Act Amendment Act 1981* but had not been completed prior to that date, unless and until the application lapses as prescribed or the Minister duly rejects the application and in that event this section applies as if the application had not been made.

For the purposes of this subsection, an application shall be deemed to have been completed when the applicant duly made the election prescribed by section 193 or when the application lapsed as prescribed or was duly rejected by the Minister.

(2) The lease of an auction perpetual lease shall be a lease in perpetuity.

(3) The rental period of each lease that was current on 31 December 1980 shall be deemed to have terminated on that date.

(4) The annual rent of an auction perpetual lease subsisting immediately prior to the passing of the *Land Act and Another Act Amendment Act 1981* that was due for assessment on or before 31 December 1980 but that had not then been assessed shall be assessed as if that Act had not been passed.

(5) In respect of an auction perpetual lease granted pursuant to an application under section 271, the term of which commenced on or after 1 January 1981, this section applies on and from the date of commencement of the term of the lease and, for the purposes of subsection (6), the unimproved capital value of the lease shall be the unimproved value that was determined as prescribed for the first rental period thereof.

(6) The annual rent reserved on and from 1 January 1981 for the period of 30 years next following that date shall be one-thirtieth of the unimproved capital value of the land notified or determined for the rental period current as at 31 December 1980 and thereafter, notwithstanding subsection (7), shall be a peppercorn, if demanded.

(7) In no case shall the annual rent be less than \$30. This subsection does not apply to a lease in respect of which the lessee elects in accordance with this Act to pay his total rent commitment on or before 31 December 1981 or within such extended time thereafter as the Minister in his discretion allows.

(8) Where immediately prior to 1 January 1981 there are in respect of an auction perpetual lease amounts due and payable and unpaid of the rent thereof, such amounts, unless paid together with any penalty payable as prescribed with respect thereto, shall be deemed to be arrears of rent payable under this Act in respect of the lease and this Act applies accordingly.

(9) (a) Every remission of annual rent in respect of a perpetual town lease or perpetual suburban lease subsisting immediately prior to the passing of the *Land Act and Another Act Amendment Act 1981* shall continue in existence and remain in full force and effect as if that Act had not been passed.

(b) Upon the determination of a remission referred to in paragraph (a), the annual rent payable thereafter shall be adjusted to include in respect of the balance of the period specified in subsection (6) the difference between the annual rent payable under that subsection and the rent payable following remission and during the period from and including 1 January 1981 that the remission continues in force.

(10) The lease of an auction perpetual lease shall not include a covenant entitling the lessee to a deed of grant in fee simple.

(11) Notwithstanding subsection (10), a lessee of a perpetual town lease, perpetual suburban lease or perpetual country lease to which this section applies, at any time during the period of 30 years specified in subsection (6) by notice in writing lodged with the Minister, may elect to discharge his total rent commitment for that period by paying in full satisfaction of that commitment or, as the case may be, the balance thereof then outstanding the amount of the present value of that commitment or, as the case may be, balance calculated on the basis of an interest earning rate of 5 per centum per annum—

- (a) where the payment is made on or before 31 December 1981 or within such extended time as the Minister in his discretion allows, over the number of years in the whole of the period so specified;
- (b) in any other case, over the number of years that the period so specified has still to run from and including 1 January, or, in a case where the term commences on a date other than 1 January, the quarter day that is the anniversary of the date of commencement of the lease next following the date of election to the end of the period in question.

Where the annual rent payable for any portion of the period is that specified in subsection (7), the annual rent for the purpose of calculating the balance of the total rent commitment shall be one-thirtieth of the unimproved capital value.

In calculating the total rent commitment for the purposes of this subsection regard shall be had to all remissions of annual rent granted and the difference between the annual rent payable under subsection (6) and the rent payable following remission and during the period from and including 1 January 1981 that the remission continues in force shall be included.

(12) Upon the election or at any time thereafter, the lessee may apply to the Minister for a grant in fee simple of the land comprised in the lease and—

- (a) shall pay to the Crown all moneys payable in respect of the rent commitment calculated as prescribed and any moneys unpaid on any account in respect of the lease;
- (b) shall surrender all his right, title and interest in the lease;
- (c) shall pay the prescribed deed fee and assurance fee.

Upon compliance with this subsection the lessee, subject to this Act, shall be entitled to a grant in fee simple of the land comprised in the lease and to the issue to him of a deed of grant in respect of that land.

(13) Where the term of 30 years has expired and the lessee has paid all moneys due and payable under the lease on any account, the lessee, upon surrender of all his right, title and interest in the lease and payment of the deed fee and assurance fee shall, subject to this Act, be entitled to a grant in fee simple of the land comprised in the lease and to the issue to him of a deed of grant in respect of that land.

(14) This section does not operate so as to affect or prejudice in any way any mortgage, charge, sublease, easement, agreement, order or other encumbrance, estate or interest subsisting over, upon or in the land comprised in the lease.

(15) The Registrar of Dealings shall make an appropriate noting upon the instrument of lease of every lease to which this section applies.

188A. Lessee may elect to have unimproved capital value determined by Court. (1) Notwithstanding section 188, a lessee of an auction perpetual lease to which that section applies, not later than 6 months after the passing of the *Land Act and Another Act Amendment Act 1981*, may apply to the Minister in writing to have the unimproved capital value of the land for the period specified in subsection (6) of section 188 determined by the Court.

(2) Upon application made under subsection (1), the Minister shall refer the matter to the Court for hearing and determination.

The Court shall determine the unimproved capital value of the land as if it were land held in fee simple at the date of commencement of the rental period which, for the purpose of that determination, shall be deemed to be 10 years commencing on 1 January 1981.

All the provisions of this Act that are applicable to the determination of rent of auction perpetual leases under this Act shall be applicable to a determination of unimproved capital value made under this section.

(3) The determination of the Court made under this section shall be the unimproved capital value for the purposes of subsection (6) of section 188 and until that determination is made the lessee shall pay rent at the rate prescribed by that subsection.

(4) Where the unimproved capital value determined by the Court is different from the unimproved capital value for the rental period current on 31 December 1980, a due adjustment shall be made to the rent reserved on and from 1 January 1981 for which purpose amounts paid in excess shall be credited to the lessee in payment of future rent or, at his request, refunded to him and amounts short paid shall be recoverable as unpaid rent.

(5) An application under this section, unless withdrawn prior to the determination of the Court, and the determination made by the Court thereon, shall bind the lessee in question and his successors in interest."

60. Amendment of s. 191. Application (1957, s. 10). Section 191 of the Principal Act is amended by inserting after the words "to a lease" the words "to which section 188 applies or a lease".

61. Amendment of s. 198. Offer of land as special lease and withdrawal of same (1910, s. 179). Section 198 of the Principal Act is amended by, in subsection (1), in the first paragraph, omitting subparagraphs (a) and (b) and substituting the following subparagraphs:—

“ (a) any Crown land;

(b) any land reserved and set apart for public purposes, for any purpose declared by the Governor in Council to be not inconsistent with the reservation or this Act.”.

62. Amendment of s. 199. Matters to be stated in notification. Section 199 of the Principal Act is amended by, in subsection (1), inserting after paragraph (d) the following paragraph:—

“;

(e) the purpose for which the lease shall be granted ”.

63. New s. 199A. The Principal Act is amended by inserting after section 199 the following section—

“**199A. Conditions of sale to be read.** (1) The person conducting the sale shall, before the commencement of the sale, read the conditions of sale and all persons bidding at the sale, either personally or by an agent, shall be bound thereby.

(2) An agent may bid for and on behalf of any person and any bid made by an agent shall, for the purposes of this Act, be deemed to be made by the person authorizing the agent to bid on his behalf.”.

64. Amendment of s. 200. Who deemed purchaser. Section 200 of the Principal Act is amended by—

(a) numbering the present section as subsection (1);

(b) inserting after subsection (1) as so numbered the following subsections:—

“ (2) The declaration of competency shall be furnished by the purchaser immediately following the acceptance of his bid as prescribed by subsection (1) or, if bidding was made on his behalf by his authorized agent, within 14 days after the date of sale or such further time as the Minister, in his discretion, allows.

(3) Any purchaser who fails to furnish a declaration of competency in compliance with subsection (1) shall have no right or title to the land purchased and the purchase shall lapse. Moneys paid by the purchaser in respect of the land may be wholly or partly forfeited to the Crown as the Minister, in his discretion, determines.”.

65. New s. 200A. The Principal Act is amended by inserting after section 200 the following section:—

“**200A. Land sold after auction and simultaneous applications.** (1) Land, that having been offered at auction and not sold is, in terms of the sale notification, open for purchase by the first applicant at the upset annual rent and on the specified conditions, may be purchased by the first person whose application, in the prescribed form accompanied by the prescribed deposit and the full amount of the survey fee, if any, is lodged with the Land Agent.

Notwithstanding this subsection, an application made by a person who by declaration contained therein fails to satisfy the Land Agent that he is competent in terms of this Act to hold the land shall be refused.

(2) Applications shall be signed by the applicant personally and may be lodged by the applicant in person or by his agent and shall be considered by the Land Agent in accordance with the order of their lodgment at the District Land Office.

(3) If two or more persons, each of whom is competent to hold the land applied for, make application at the same time, the land shall be again offered at auction to such applicants and to no other person by the Land Agent and the applicant who, by himself or his agent, makes the highest bid being not less than the upset annual rent and immediately pays the prescribed deposit together with the full amount of the survey fee, if any, shall be declared the purchaser of the land."

66. Repeal of s. 201. Application of ss. 175, 182, 183 (3) (4), and 184. The Principal Act is amended by repealing section 201.

67. Amendment of s. 203. Issue of special leases without notification (1910, s. 179). Section 203 of the Principal Act is amended by—

(a) in the first paragraph, omitting subparagraphs (a) and (b) and substituting the following subparagraphs:—

“ (a) any Crown Land;

(b) any land reserved and set apart for public purposes, for any purpose declared by the Governor in Council to be not inconsistent with the reservation or this Act,”;

(b) in the second paragraph,

(i) omitting the expressions “ (a) ” and “ (b) ” and substituting in each case respectively the expressions “ (c) ” and “ (d) ”;

(ii) omitting the word “ and ” where occurring after the word “ costly; ” and substituting the word “ or ”.

68. Amendment of s. 204. Terms and conditions of special lease. Section 204 of the Principal Act is amended by—

(a) in subsection (4),

(i) omitting the words “ the first ” and substituting the word “ each ”;

(ii) inserting after the word “ fixed ” the words “ or determined ”;

(iii) adding at the end thereof the following paragraph:—

“ Section 248 with and subject to all necessary adaptations, applies to a determination made under this subsection.”;

(b) omitting subsections (5) and (5A) and substituting the following subsections:—

“ (5) The annual rent fixed or determined by the Minister in accordance with subsection (4) shall be such sum as the Minister thinks fit not exceeding a sum that he, on the recommendation of the Commission, considers that an experienced and bona fide person would be willing to pay as annual rent for the land comprised in the lease during the term of the lease or, as the case may be, rental period in question, having regard to the use to which the land may be put in accordance with the purpose for which the lease was granted and under the terms and conditions of the lease.

The Minister, upon determining the annual rent for the second and each subsequent rental period shall notify the lessee of the determination.

(5A) Where it is a condition of the lease imposed by the Governor in Council, the lessee may require the annual rent for the second and each subsequent rental period of the lease to be determined by the Land Court in those cases where—

- (a) the lease is a lease of Crown land; and
- (b) the annual rent determined by the Minister is more than \$200.

(5B) (a) Where a lease is subject to a condition specified in subsection (5A) and the Minister has determined the annual rent in accordance with subsection (4), the lessee, within 42 days after the giving of notice of the Minister's determination of annual rent for the rental period in question, may notify the Minister that he requires the annual rent to be determined by the Court.

(b) Upon being notified by the lessee in accordance with paragraph (a), the Minister shall refer the matter to the Court for hearing and determination.

(c) The Court shall determine the annual rent at such sum as it considers an experienced and bona fide person would be willing to pay as annual rent for the land comprised in the lease during the rental period in question, having regard to the use to which the land may be put in accordance with the purpose for which the lease was granted and under the terms and conditions of the lease.

(d) The determination made by the Court or, upon an appeal therefrom to the Land Appeal Court, a determination of the Land Appeal Court that is at variance with the determination of the Court, shall be the determination of the annual rent in respect of the special lease in question for the particular rental period in the stead of the determination made by the Minister.

(e) Where the lessee does not notify the Minister in accordance with this subsection, the annual rent in respect of the lease for the particular rental period is that determined by the Minister.

(5C) In no case shall the annual rent be less than \$30. In respect of a lease the term of which commenced prior to the passing of the *Land Act and Another Act Amendment Act 1981*, this subsection applies on and from 1 January 1982.”;

(c) in subsection (6), adding at the end thereof the following paragraph:—

“Every lease shall be subject to a condition that the land comprised in the lease shall be used for the purpose for which the lease was granted and the instrument of lease issued in respect of that land shall be endorsed accordingly.”;

(d) inserting after subsection (7) the following subsections:—

“(8) A lessee of a special lease, the land comprised in which is situated in a city or town and used exclusively for his personal residence, may apply to the Commission for relief, on the grounds of hardship, from the liability to pay in full the annual rent determined for any rental period.

For the purposes of this subsection, section 190 (2) applies with and subject to all necessary adaptations.

(9) Notwithstanding subsection (4), the annual rent of a special lease subsisting immediately prior to the passing of the *Land Act and Another Act Amendment Act 1981* determined for the rental period then current shall continue to be the annual rent in respect of the lease until the expiration of that rental period.

This subsection applies subject to subsection (5c).

(10) Every special lease of Crown land subsisting immediately prior to the passing of the *Land Act and Another Act Amendment Act 1981* the term of which is divided into rental periods, shall be deemed to be subject to a condition specified in subsection (5A)."

69. Amendment of s. 207 and heading. Sale or issue of perpetual leases in certain cases (1910, s. 175B). Section 207 of the Principal Act is amended by—

(a) in the heading immediately preceding the section, omitting the words occurring after the words "*Division II.—*" and substituting the words "*Sale for an Estate in Fee Simple of Land Comprised in a Special Lease*";

(b) omitting from the note in and at the beginning of the section the words "or issue of perpetual leases";

(c) in subsection (1), omitting the words "or to be granted a perpetual lease thereof";

(d) in subsection (2), omitting the expression "(3), (4) or (5) of this section" and substituting the expression "(3) or (4)";

(e) omitting subsection (5);

(f) in subsection (7), omitting the words "one hundred and eighty-seven and one hundred and eighty-eight of this Act" and substituting the expression "187 and 212";

(g) omitting subsection (9) and substituting the following subsection:—

"(9) Notwithstanding the repeal of subsection (5) of this section by the *Land Act and Another Act Amendment Act 1981*, an application made under that section as in force immediately prior to the passing of that Act on which the Minister had prior to that date made an offer that has not lapsed or been revoked by him shall be continued and completed as if that Act had not been passed."

70. Amendment of s. 212. Sections 187 and 188 applied. Section 212 of the Principal Act is amended by—

(a) omitting the note in and at the beginning and substituting the note "Section 187 applied";

(b) numbering the present section as subsection (1);

(c) in subsection (1) as so numbered omitting the words "sections one hundred and eighty-seven and one hundred and eighty-eight of this Act" and substituting the expression "section 187";

(d) inserting after subsection (1) as so numbered the following subsections:—

“(2) The lease shall be a lease in perpetuity.

(3) The rental periods shall be 10 years.

(4) The annual rent payable during the first rental period shall be a sum equal to 3 per centum of the unimproved capital value of the land comprised in the lease as fixed by the Minister upon the recommendation of the Commission.

(5) The annual rent payable during the second and each subsequent rental period of the lease shall be determined by the Court at a sum equal to 3 per centum of the unimproved capital value of the land comprised in the lease as if it were held in fee simple at the date of commencement of the rental period in question.

(6) In no case shall the annual rent be less than \$30. In respect of a lease the term of which commenced prior to the passing of the *Land Act and Another Act Amendment Act 1981*, this subsection applies on and from 1 January 1982.

(7) Notwithstanding subsection (5), where in respect of a second or subsequent rental period of the term of a lease, the report and valuation required to be furnished to the Court by the Minister in accordance with section 38 indicate a total annual rent of the minimum rent specified in subsection (6) or less for the rental period in question, the Minister shall determine such annual rent at the minimum rent so specified and thereupon shall notify the lessee of the annual rent as recommended and the annual rent as actually determined. A determination by the Minister in accordance with this subsection shall have the same force and effect as a determination of that rent by the Court.

(8) The lease of a holding to which this section applies shall not include a covenant entitling the lessee to a deed of grant in fee simple.”.

71. Amendment of s. 214. Development leases (8 Eliz. 2 No. 25, s. 2). Section 214 of the Principal Act is amended by inserting after subsection (3) the following subsection:—

“(3A) In no case shall the annual rent be less than \$30. In respect of a lease the term of which commenced prior to the passing of the *Land Act and Another Act Amendment Act 1981*, this subsection applies on and from 1 January 1982.”.

72. Amendment of s. 225. Land Agent to keep registers of applications (1910, s. 162). Section 225 of the Principal Act is amended by—

(a) omitting subsection (1) and substituting the following subsection:—

“(1) The Land Agent shall keep a register in which he shall enter particulars of all applications to acquire an occupation license received by him.”;

(b) in subsection (2), in paragraph (a), inserting after the word “method” the words “to lease land under pastoral lease or”.

73. Amendment of s. 231. When right to occupy accrues. Section 231 of the Principal Act is amended by, in subsection (2), in paragraph (b), omitting the word “Commissioner” and substituting the words “Committee of Review”.

74. Amendment of s. 236. Improvements (1910, s. 123). Section 236 of the Principal Act is amended by, in subsection (1), in paragraph (a), omitting the word “Commissioner” and substituting the words “Committee of Review”.

75. Amendment of s. 238. Crown deemed owner of improvements and payment to late lessee (1910, s. 124). Section 238 of the Principal Act is amended by, in subsection (1), omitting paragraph (d).

76. Amendment of s. 247. Rent, where and when payable (1910, s. 127). Section 247 of the Principal Act is amended by, in subsection (2),

(a) in paragraph (c), inserting before the words “for perpetual” the words “subject to paragraph (f),”;

(b) inserting after paragraph (e) the following paragraph:—

“
;”
(f) for perpetual town leases, perpetual suburban leases and perpetual country leases to which section 188 applies, on or before 31 March in respect of the calendar year ending on 31 December next following”.

77. Repeal of s. 263. When prickly-pear warden may issue forfeiture notice. The Principal Act is amended by repealing section 263.

78. Amendment of s. 269. Additional areas (1927, s. 10). Section 269 of the Principal Act is amended by, in subsection (1), omitting the word “farm” and substituting the word “selection”.

79. Amendment of s. 271. Subdivision of holdings, etc. (1910, s. 168). Section 271 of the Principal Act is amended by—

(a) in subsection (3), adding at the end thereof the following paragraph:—

“Notwithstanding this subsection, in a case where a subdivision is permitted of a holding in respect of which rental periods are specified in accordance with the *Land Act and Another Act Amendment Act 1981*, the first rental period, if any, of each fresh lease shall be for the residue of the first rental period subsisting immediately prior to the date of the surrender of the holding and the second rental period, if any, in perpetuity otherwise the rental period shall be in perpetuity.”;

(b) in subsection (5), adding at the end thereof the following paragraph:—

“Notwithstanding this subsection, in a case where a subdivision is permitted of a holding in respect of which rental periods are specified in accordance with the *Land Act and Another Act Amendment Act 1981* and a first rental period is so specified, the rent for such period shall be the same amount per hectare per annum or, as the case may be, the same per centum per annum of the proportionate unimproved capital value, as was payable in respect of the lease immediately prior to the date of surrender thereof and where the first rental period of the fresh lease is in perpetuity, the rent shall be a peppercorn, if demanded.”

80. Repeal of s. 272 and heading. Subdivision of perpetual lease selections (1910, s. 168A). The Principal Act is amended by repealing section 272 and the heading immediately preceding that section.

81. Amendment of s. 297. Forfeiture proceedings (1910, s. 133). Section 297 of the Principal Act is amended by—

(a) omitting subsection (1) and substituting the following subsection:—

“(1) Where the Minister at any time has reason to believe that the lease of a holding is liable to be forfeited for any cause other than non-payment of rent, he may refer the matter to the Court for hearing and determination.

The Minister shall give to the lessee of the holding concerned 28 days' notice of his intention to make the reference and shall state in such notice the conditions of the lease that the Minister is satisfied have not been complied with.

A copy of the notice given to the lessee shall be submitted to the Court with the reference.”;

(b) inserting after subsection (2) the following subsection:—

“(3) A matter arising under subsection (1) as in force immediately prior to the passing of the *Land Act and Another Act Amendment Act 1981* that has been commenced but is not completed prior to that date may be continued and completed as if that Act had not been passed.”.

82. Amendment of s. 314. Compensation for improvements. Section 314 of the Principal Act is amended by, in subsection (1), in paragraph (a), omitting the words “or of part of a stud holding pursuant to paragraph (f) of subsection (3) of section 73 of this Act,”.

83. Amendment of s. 365. Grant or lease of closed road (1910, s. 193). Section 365 of the Principal Act is amended by, in subsection (1), inserting after paragraph (b) the following paragraph:—

“(ba) where rental periods in respect of the lease of land to which further land is to be added are specified in accordance with the *Land Act and Another Act Amendment Act 1981*, then—

(i) in a case where the first rental period has not expired, the annual rent of the lease for the balance of the first rental period shall be the amount calculated by adding to the annual

rent payable in respect of the lease immediately prior to the date of the proposed addition an amount calculated by dividing the amount of the capital value of the land to be so added by the number of years comprising the residue of the first rental period immediately prior to the date of the proposed addition;

- (ii) in every other case, the capital value of the land proposed to be so added shall be paid to the Crown prior to the addition of the further land;”.

84. Amendment of s. 382. Regulations (1910, s. 209). Section 382 of the Principal Act is amended by, in subsection (1), omitting paragraph (e).

85. Amendment of s. 383. Rules of Court. Section 383 of the Principal Act is amended by inserting after subsection (2) the following subsection:—

“(3) Where Rules of Court made under subsection (1) do not extend to a particular case, the Court hearing that case may give such directions as it thinks fit and those directions shall, according to their tenor, have the same force and effect as Rules of Court made under that subsection.”.

86. Repeal of s. 384. Supreme Court may make rules (1910, s. 211). The Principal Act is amended by repealing section 384.

87. Amendment of Forestry Act 1959–1979. (1) In this section, the *Forestry Act 1959–1979* is referred to as the Principal Act.

(2) The Principal Act as amended by this section may be cited as the *Forestry Act 1959–1981*.

(3) Section 47 of the Principal Act is amended by—

(a) in subsection (2), omitting the second paragraph and substituting the following paragraph:—

“Where an objection is made in accordance with this section, the Conservator of Forests shall submit the matter of the proposed sale to a designated officer within the meaning of the *Land Act 1962–1981* or, where the land on which the forest products proposed to be sold are situated is a lease granted under the Mining Acts, to the Warden, for inquiry into the matter and the making of his recommendation thereon through the Conservator of Forests to the Minister.”;

(b) in subsection (3), omitting the words “Land Commissioner’s” and substituting the words “designated officer’s”;

(c) in subsection (5), omitting paragraph (a) and substituting the following paragraph:—

“(a) **Inquiry by designated officer.** The *Land Act 1962–1981* with and subject to all necessary adaptations applies with respect to an inquiry by a designated officer in accordance with this section as if it were an inquiry by a designated officer under that Act.”.

(4) Section 57 of the Principal Act is amended by, in subsection (2).

(a) omitting the words “ the Land Commissioner for inquiry therein in his Court ” and substituting the words “ a designated officer within the meaning of the *Land Act* 1962–1981 for inquiry ”;

(b) omitting the words “ Land Commissioner’s ” and substituting the words “ designated officer’s ”.