

Be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the *War Service Land Settlement Agreement Act, 1951.*

Retrospective operation.
Cf. No. 24 of 1945.

2. This Act shall be regarded as having come into operation on the day on which the War Service Land Settlement Agreement Act, 1945, which is repealed by the next succeeding section, commenced, namely, the fifteenth day of January, one thousand nine hundred and forty-six.

Repeal.

3. (1) The following Acts are repealed:—

No. 24 of 1945.

War Service Land Settlement Agreement Act, 1945;

Nos. 43 of 1945, 61 of 1947, 41 of 1950.

War Service Land Settlement Agreement (Land Act Application) Act, 1945-1950.

Cf. No. 30 1918, ss. 3, 15 and 16.

(2) The provisions of sections fifteen, sixteen and seventeen of the *Interpretation Act, 1918-1948*, are hereby expressly declared to apply in respect of the repeals effected by the last preceding subsection, but this express inclusion of the application of those provisions is not intended to imply the exclusion of the application to this Act of any of the other provisions of that Act.

Interpretation.

4. In this Act, unless the context requires otherwise—

“agreement” means agreement by the State in pursuance of the provisions of this Act with the Commonwealth;

“Land Act” means the *Land Act, 1933-1950*, as amended from time to time;

“scheme” means the scheme of war service land settlement the subject matter of agreement;

“Transfer of Land Act” means the *Transfer of Land Act, 1893-1950*;

(b) the provisions of the Land Act to the extent to which they are or can with appropriate adaptation be rendered applicable, shall apply in respect of the grant of tenures in pursuance of the authority conferred by the last preceding paragraph;

Cf. Land Act, 1950 reprint, s. 172.

(c) where anything relating to tenures is required to be provided for, in order that the scheme may be carried out or given effect, but cannot conveniently be provided for pursuant to the provisions of the Land Act, the Governor may, notwithstanding the provisions of that Act and without limiting the generality of the provisions of subsection (3) of the last preceding section, make regulations under that Act in respect of the requirement as fully and effectually as if the power conferred by this paragraph were expressly included in such of the provisions of that Act, as authorise the making of regulations for carrying out and giving force and effect to the objects, purposes, rights, powers and authorities of that Act and that Act is deemed to be amended accordingly.

(2) A lessee—

of a tenure of perpetual leasehold of land demised by instrument of lease in pursuance of the scheme,

who desires

to purchase the fee simple in the land,

shall,

subject to—

the approval of the Commonwealth;
the provisions, if applicable to the land, of subsection (5) of the next succeeding section relating to mineral rights;
any mortgage or other incumbrance on the land;

the provisions of the regulations; and
compliance with the provisions of the lease instrument;

be entitled,

after the expiration of a period of ten years from the commencement of the term of the perpetual lease and on payment of such purchase price for the fee simple as is fixed by the Minister, in accordance with the provisions as set out in clause six subclause (7) of the War Service Land Settlement Agreement, 1945,

to surrender the lease instrument and obtain in place of it a Crown Grant of the fee simple in the land.

Cf. Land Act, 1933-1950, s. 44.

(3) Notwithstanding the terms of any lease, instrument or the provisions of this or any other Act, a lessee as in the last preceding subsection mentioned shall be at liberty at any time and from time to time during the period of ten years from the commencement of the term of the lease to pay any amount or amounts not exceeding in the aggregate ninety per centum of the purchase price for the fee simple, and during such period, interest shall be rebated on the moneys so paid by the lessee.

7. (1) In this section, unless the context requires otherwise—

Mineral rights. Cf. No. 41 of 1950, s. 3. Interpretation.

“Company” means the Midland Railway Company of Western Australia Limited;

“mineral rights” means, in relation to land, any grant, transfer or reservation—

to the Company; or to a person who derives his title to the mineral rights from the Company and is registered pursuant to the provisions of the Transfer of Land Act as the proprietor of the mineral rights—

of all mines of copper, tin, lead, coal, ironstone, phosphatic rock and other metals, ores or minerals whatsoever and all substances containing minerals or phosphates and all gems and precious stones and mineral oil in, upon and under the land, with full liberty at all times to search, dig, mine, bore for and carry them away, and

for that purpose to enter upon the land or any part of it without paying compensation therefor;

“registration authority” means the Registrar of Titles, the Registrar of Deeds, the Under Secretary for Lands, the Under Secretary for Mines, and any other person authorised by any Act to record and give effect to the registration of documents relating to transactions affecting any estate or interest in land.

Revesting of mineral rights in the Crown.

(2) Where private land was, at any time prior to, or is, at any time after, the coming into operation of this Act—

acquired by the State by agreement for the purposes of the scheme;

under the operation of the Transfer of Land Act; and

the subject of mineral rights—

on registration of the transfer to His Majesty from the registered proprietor of every estate and interest therein, other than the mineral rights, the mineral rights shall, subject to the provisions of this section and by virtue of the provisions of this subsection, revert in His Majesty as of his former estate, for the purposes of—

(a) removing the land from the operation of the Transfer of Land Act;

(b) bringing the land under the operation of the Land Act; and

(c) enabling the Governor to—

(i) grant tenures of the land pursuant to the provisions of this Act; and

(ii) make and issue instruments evidencing the revesting, referred to in the next succeeding subsection, of the mineral rights in the land.

Cf. Act No. 37 of 1933, s. 7.

Revesting of mineral rights in the Company.

(3) Where mineral rights are revested in His Majesty by operation of the provisions of the last preceding subsection—

(a) the mineral rights are, by virtue of the provisions of this subsection, immediately thereupon revested in the person in whom

and for the estate or interest in which but for the operation of that subsection they would have continued to be vested;

- (b) the Governor shall make and issue an instrument of grant in the form of the Schedule to this Act evidencing that re-vesting free of cost to that person. Schedule.

(4) Nothing contained in, or done in pursuance of, the provisions of this section shall— Preservation of adverse rights and immunity.

- (a) affect any proprietary interest in the mineral rights;

- (b) entitle any person to compensation or damages from the Crown.

(5) The Governor shall not grant or demise, pursuant to the provisions of this Act, any tenure of land referred to in this section, unless the instrument evidencing the grant or demise is expressed to be and is subject to the mineral rights. Tenures to be subject to mineral rights.

(6) The appropriate registration authorities are hereby authorised to record in the appropriate manner the effect of the operation of the provisions of this section in relation to any land. Authority to record operation of this section.

8. In order to resolve any doubt as to the effectiveness and validity of all things done, including all rights, titles and interests re-vested, conferred, granted, demised and acquired, in pursuance or purported pursuance of the provisions of the Acts repealed by this Act, it is hereby declared that those things shall be regarded as having been done and those rights, titles and interests shall be regarded as having been re-vested, conferred, granted, demised and acquired subject and pursuant to the provisions of this Act and are hereby ratified as lawful and validated. Validation.

SCHEDULE.

Western Australia.

Section 7
(3) (b).

FORM OF CROWN GRANT.

GEORGE THE SIXTH, by the Grace of God, of Great Britain, Ireland and the British Dominions beyond the Seas, King, Defender of the Faith, To all to whom these presents shall come, GREETING: Know Ye that We, of our especial Grace, Cr. No. 41 of 1950, ss. 3 and 4.

certain knowledge, and mere motion and by virtue of the provisions of the War Service Land Settlement Agreement Act, 1951, have given and granted, and We do by these presents for Us, our heirs and successors, Give and Grant unto.....

all mines of copper, tin, lead, coal, ironstone, phosphatic rock and other metals, ores or minerals whatsoever and all substances containing minerals or phosphates and all gems and precious stones and mineral oil in, upon and under all that tract or parcel of land situate and being in the District of

in Our said State containing more or less and marked and distinguished in the maps and books of the Department of Lands and Surveys of Our said State as and as the same is delineated and coloured in,

in the plan drawn hereon with full liberty at all times to search, dig, mine, bore for and carry away the same, and for that purpose to enter upon the said land or any part thereof without paying compensation therefor: TO HAVE AND TO HOLD all and singular the premises hereby granted together with all appurtenances whatsoever thereunto belonging or in anywise appertaining for an estate in fee simple: YIELDING and paying for the same to Us, Our heirs and successors, one peppercorn of yearly rent on the twenty-fifth day of March in each year, or so soon thereafter as the same shall be lawfully demanded.

IN WITNESS whereof, We have caused..... Governor in and over the State of Western Australia in the Commonwealth of Australia, to affix to these presents the Public Seal of the said State.

SEALED this.....day of....., one thousand nine hundred and

.....
Governor.

.....
Minister for Lands.