

LAND.

23° GEO. V., No. XLIV.

No. 44 of 1932.

AN ACT to amend the provisions of the Land Act, 1898, relating to Pastoral Leases.

[Assented to 30th December, 1932.]

BE it 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:—

1. This Act may be cited as the *Land Act Amendment Act*, 1932, and shall be read as one with the Land Act, 1898 (hereinafter referred to as the principal Act), and the Acts amending the same. Short title.

2. Crown land open for selection for pastoral purposes may be leased under and subject to the provisions of Part X. of the principal Act, as amended by section thirty of the Land Act Amendment Act, 1917, and by this Act, for a term expiring on the thirty-first day of December, one thousand nine hundred and eighty-two, in the form or to the effect of the Schedule to this Act: Extension of term for which leases may be granted under principal Act, as amended by No. 19 of 1917, and this Act.

Provided that the annual rent shall, at the expiration of the first fifteen years and of every succeeding period of fifteen years of the term, be subject to re-assessment by the Minister on the advice of the Board of Appraisers, and on such re-assessment, may be increased or reduced, but shall not be increased on any such re-assessment by more than one-half of the amount of the annual rent as determined by the last preceding assessment:

Provided also, that on every periodical re-assessment of rent the report of the Board shall be laid before both Houses of Parliament, with the reasons therefor, and the evidence on which the reasons are based.

Review of
assessment of
rent.
Cf. 1920, No. 49
s.9.

3. (1.) The third proviso to subsection (1) of section thirty of the Land Act Amendment Act, 1917, is amended by adding thereto the words "until such land is appraised; but when the rent is so determined it shall be adjusted accordingly from the commencement of the lease."

(2.) Any lessee whose application was made and approved before the rent was determined on the advice of the Board of Appraisers may, within three months after the rent is so determined and notified to him, apply in writing to the Minister for a review of such determination.

(3.) The Minister shall thereupon direct the Board to hear and dispose of such application. Notice of the time and place of the hearing shall be given by the Board to the applicant; and after having heard the applicant or his agent and considered any evidence adduced, or if the applicant does not attend the hearing himself or by his agent, the Board may either maintain or vary the rent as so determined.

(4.) Notice of the decision shall be given by the Board to the lessee who may, if he thinks fit, surrender the lease within one month thereafter.

Amendment of
section 30 of No.
19 of 1917.

4. Section thirty of the Land Act Amendment Act, 1917, is amended, as follows:—

The following provisos are added to subsection (3), namely—

Provided that the value of stud improvements of the flocks and herds of a lessee may be accepted by the Minister to such extent as the Minister in his discretion thinks fit in lieu of improvements as prescribed by section one hundred and forty-five of the principal Act:

Provided also, that stud improvements in lieu of such improvements as prescribed shall be obligatory if and to such extent as the Minister may think fit.

Review of
re-assessment.

5. (1.) Any lessee may, within three months after receipt of notice of a periodical re-assessment under section two of this Act, apply in writing to the Minister for a review of such re-assessment.

(2.) The Minister shall thereupon direct the Board of Appraisers to hear the application; and notice of the time and place of the hearing shall be given to the applicant. The Board may vary or maintain the re-assessment, and the rent shall be fixed accordingly.

6. (1.) Any lessee holding a pastoral lease granted under Part X. of the principal Act, pursuant to the Land Act Amendment Act, 1917, may, at any time within one year from the commencement of this Act, apply for leave to surrender such lease, and for a new lease under section two of this Act: Provided that if the lease is subject to any registered mortgage or encumbrance the consent of the mortgagee or encumbrancer shall be necessary.

Lessee under Act of 1917 may surrender lease and apply for new lease.

(2.) If the application is approved and a new lease is granted, the following provisions shall apply:—

- (a) With respect to leases to which paragraph (c) of subsection (1) of section two of the Land Act Amendment Act, 1931, applies, the rent payable under such new lease shall not, until after the thirty-first day of December, one thousand nine hundred and forty-eight, exceed such rent as would have been payable under the surrendered lease as re-appraised under that paragraph; but a re-assessment of the rent to be paid after that date shall be made under section two of this Act, and shall have effect from and inclusive of the first day of January, one thousand nine hundred and forty-nine; and
- (b) With respect to leases to which paragraph (d) of subsection (1) of section two of the Land Act Amendment Act, 1931, applies, the rent payable under such new lease shall not exceed the rent payable under the surrendered lease until the first day of January, one thousand nine hundred and forty-two; but a re-assessment of the rent shall then be made under section two of this Act, to have effect from that date; and
- (c) To such extent as improvements were effected prior to the surrender of the lease, the lessee shall be exempt from the provisions of subsection (3) of section thirty of the Land Act Amendment Act, 1917.

Application of principal Act and amendments.

7. Subject to this Act, the provisions of the principal Act and of the Acts amending the same in force at the commencement of this Act, relating to pastoral leases granted under the principal Act as amended by the Land Act Amendment Act, 1917, shall apply to leases granted under this Act.

Section 2.

THE SCHEDULE.

Pastoral Lease.

No.....	Division.....
	District or Locality.....

GEORGE THE FIFTH, by the Grace of God of Great Britain, Ireland, and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India. To all to whom these Presents shall come, Greeting: Know Ye that We of our especial Grace, and in exercise of the powers in this behalf to Us given by the Land Act, 1898, and the Acts amending the same, do by these presents lease to.....of....., hereinafter called "the Lessee," which term includes the Lessee, his executors, administrators, and assigns [or in the case of a body corporate "its successors and assigns"], the natural surface of all that piece or parcel of land situated.....and containing..... acres as delineated in the plan hereon: To hold unto the Lessee for pastoral purposes under and subject to the provisions of the Land Act, 1898, and the Acts amending the same so far as those provisions relate to pastoral leases, and except as hereinafter provided, for the term of.....years to be computed from the first day of....., 19...., until theday of....., 19....., Yielding and Paying therefor unto Us, Our Heirs and Successors, the yearly rent ofpounds from the said.....day of....., 19...., until the.....day of....., 19....., and thereafter during the said terms, subject nevertheless to the rent payable after the last-mentioned date being determined from time to time on re-appraisalment under the provisions of the said Acts: and Yielding and Paying, whenever the yearly rent is varied on re-appraisalment, such yearly rent as is so determined; and the rent payable for the time being by the Lessee shall be paid to Our Minister for Lands by equal half-yearly payments in advance on or before the first day of March and the first day of September in every year: Provided always, and it is hereby declared, that if the rent hereby reserved, and as fixed by re-appraisalment, and payable for the time being, or any part thereof, is not duly paid by the Lessee as herein and by Section one hundred and thirty-six of the Land Act, 1898, prescribed; or in case of the breach by the Lessee of any condition on which, in accordance with the said Acts this lease is granted; or if the Lessee assigns or underlets the demised premises or any part thereof without Our said Minister's approval, in writing first obtained; then these presents shall become void, and the term hereby granted shall be absolutely and indefeasibly forfeited, and it shall thereupon be lawful for Us, Our Heirs and Successors, into and upon the demised premises, or any part thereof in the name of the whole, to re-enter, and the same to have again, repossess, and enjoy

as if this deed-poll had never been executed, without making any compensation to the Lessee: Provided also, that this lease is granted, in accordance with subsection (3) of section thirty of the Land Act Amendment Act, 1917, on condition that improvements are effected by the Lessee as follows:—

Within five years from the commencement of the lease to the value of five pounds, and within ten years from the commencement of the lease to the value of ten pounds (inclusive of the value of improvements effected during the first five years of the term) for each thousand acres of the area leased; and such improvements shall be maintained in good repair, and so far as necessary renewed, during the term of the lease:

Provided that the value of stud improvements of the flocks and herds of a Lessee may be accepted by the Minister to such extent as the Minister in his discretion thinks fit in lieu of improvements as prescribed by section one hundred and forty-five of the Land Act, 1898: Provided also, that stud improvements in lieu of such improvements as prescribed shall be obligatory if and to such extent as the Minister may think fit:

Provided also, that this lease is granted subject to the powers, conditions and reservations relating thereto in said Acts contained, and to the provisions of the Mining Act, 1904, and the Forests Act, 1918, and to all rights and privileges lawfully acquired or exercisable thereunder; and that the right is reserved to Us, Our Heirs and Successors, to dispose of such portions of the demised land under the provisions of Part III. of the Land Act, 1898, as may be required for any purpose of public utility or for otherwise facilitating the improvement and settlement of the State as therein prescribed.

Plan.

In witness whereof We have caused Our Minister for Lands to affix hereto his Seal and set his hand the.....day of.....
19....