

LAND.

19° GEO. V., No. XL.

No. 40 of 1928.

AN ACT to amend the Land Act, 1898.

[Assented to 28th December, 1928.]

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:—

Short title.

1. This Act may be cited as the *Land Act Amendment Act, 1928*, and shall be read as one with the Land Act, 1898, hereinafter referred to as the principal Act.

Pastoral leases.

2. Subject as hereinafter provided, every existing pastoral lease granted and held under Part X. of the Land Act, 1898, and its amendments, and expiring on the 31st day of December, 1928, shall be open to renewal to the lessee, or the legal representative of a deceased lessee, or the transferee and lawful holder of the pastoral lease for the time being, subject to the following conditions:—

- (1) An application for such new lease under and subject to this section must be made in writing sent to and received by the Under Secretary for Lands not later than three months or in the case of leases in the Kimberley Division of the State six months after the commencement of this Act.
- (2) The new lease shall be granted under and subject to section thirty of the Land Act Amendment Act, 1917, for a term commencing the 1st day

of January, 1929, and expiring on the 31st day of December, 1948 ; but the application, if approved, and the lease shall be subject to the same incidence as if, pursuant to the Act No. 54 of 1923, an application had been made by the lessee to surrender the expired lease and for a new lease under the provisions of section 30 of the Act No. 19 of 1917, and to the conditions following, that is to say—

- (a) Double the amount of rent payable under the pastoral lease or leases held by the applicant and expiring on the 31st day of December, 1928, shall be payable by him on demand from the 28th day of March, 1918, to the date of his application, with interest on such additional rent as prescribed by the said Act No. 54 of 1923.
- (b) If the lessee declines to accept a renewal at the rental determined by the Minister on the advice of a Board of Appraisers, the double rent so paid or payable by him on his application shall be repaid or waived as the case may be except in respect of interest and less the cost of appraisal and rents as appraised from 1st day of January, 1929, to the expiration of the half-year current at the date when the renewal is declined.
- (c) If the lessee accepts a renewal at the rental determined by the Minister on the advice of a Board of Appraisers, the rent paid or payable by him on the application in excess of the rent payable under an expired lease in respect of the period from the 28th day of March, 1918, to the date of his application, shall be adjusted in accordance with the rent reserved by the new lease.

- (d) The annual rent payable under a renewed lease shall be subject to re-assessment under the provisions of section thirty of the Act, No. 19 of 1917, as if the term of the lease had commenced on the 1st day of April, 1918.
- (e) Section two of the Land Act Amendment Act, 1926, shall apply.
- (f) If the expiring lease is subject to a mortgage, such mortgage shall, by force of this Act, attach to the new lease and the application for the same, unless the application of this paragraph is negatived in the lessee's application for the new lease; but for the purpose of registration a mortgage of the new lease by way of substituted security must be executed.
- (g) In the application of this section to pastoral leases in the South-West division of the State, the provisions relating to rent shall not have effect; and the provisions of section twenty-nine of the Forests Act, 1918, whereby, on the dedication of land as a State forest, a lessee under a surrendered pastoral lease has an option to acquire a forest lease of the land demised by the surrendered lease, shall not apply to a pastoral lease of land in the South-West division of the State acquired under this section.

3. The Group Settlement Board shall, as from its constitution on the twenty-fifth day of March, one thousand nine hundred and twenty-eight, be deemed the "general manager" within the meaning of those words in any permit to occupy issued pursuant to any group settlement scheme, before or after the constitution of the board.