



Western Australia.

ANNO PRIMO ET SECUNDO

EDWARDI VII. REGIS.

No. XX.

AN ACT to amend the Land Act, 1898.

[Assented to, 19th February, 1902.]

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, 1902, and shall be construed together with the Land Act, 1898 (hereinafter called the principal Act), and the Land Act Amendment Act, 1900. Short title.

2. THE principal Act is hereby amended, as follows:—

(a.) In section five, the words "other lands in the State" are substituted for the words "land alienated in fee simple." Amendment of principal Act. Section 5.

(b.) In section fifty-three, insert in line three, after the word "area," the words "and from time to time alter the boundaries thereof." Section 53.

(c.) In section fifty-five, subsection one, the following proviso is added: "Provided that in no case shall the" Section 55.

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- annual instalment of purchase money be less than One pound.”
- Section 55. (d.) In section fifty-five, subsection five, the following proviso is added: “Provided also that where the lessee under this Act erects a rabbit-proof exterior fence, capable of resisting great and small stock, the Minister may allow two-thirds of the value of such exterior fence to be deemed part of the prescribed improvements.”
- Section 59. (e.) In section fifty-nine, the words “five thousand acres instead of,” occurring in lines ten and eleven, and the words “as prescribed for selections under the said section within an agricultural area,” occurring in lines eleven and twelve, are repealed, and the words “if situated within forty miles of a railway,” in line five, are struck out.
- Section 68. (f.) In section sixty-eight, subsection two, strike out the words “not more than two leases shall be held by one person and,” and between the words “for” and “is,” in line eight, insert “adjoins the holding of the applicant, the minimum shall be three hundred acres; or if the land applied for.”
- Section 68. (g.) In section sixty-eight, subsection seven, the following words are added: “Provided also that where the lessee erects a rabbit-proof exterior fence, the Minister may allow half of the value of such exterior fencing to be deemed part of the prescribed improvements.”
- Section 74. (h.) In section seventy-four, line seven, after the word “sixty,” the following words are inserted: “Nor less than ten.”
- Section 78. (i.) In section seventy-eight the following proviso is added:—
“Provided that, if the selector holds any lands under conditional purchase under Part V. of this Act, adjoining his homestead farm, then residence and improvements on such lands shall be a sufficient compliance with the conditions of residence and improvement required on the homestead farm, with the exception of external fencing of the homestead farm and of any lands held under conditional purchase, but such improvements must be in addition to those required by Part V. on the conditional purchase lands.”
- Section 148. (j.) In section one hundred and forty-eight, subsection six, the following proviso is added: “Provided that unless the award of the arbitrators or the Resident Magistrate is at least seventy-five per centum of the amount

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claimed, no costs shall be awarded to the lessee or any person claiming under him."

- (k.) In the Thirty-fourth Schedule, the figure "5," in the second line, is struck out, and the figures "1s. (one shilling)" are inserted in lieu thereof.

34th Schedule.

3. SECTION one hundred and fifty-two of the principal Act is struck out, and the following section substituted therefor:—

Amendment of section 152 of principal Act.

152 ON receiving application in the form or to the effect of the Twenty-eighth Schedule, the Governor may grant leases of any Crown land for any area not exceeding (except in the case of leases for guano or other manure, or for the collection and manufacture of salt) twenty-five acres, for a term not exceeding twenty-one years from the date thereof, at a yearly rental of not less than Three pounds for any of the following purposes (that is to say):—

- (1.) For obtaining and removing therefrom guano or other manure;
- (2.) For obtaining and removing therefrom stone or earth;
- (3.) For sites for inns, stores, smithies, bakeries, or similar buildings;
- (4.) For sites for bathing-houses, bathing-places, bridges, toll-houses, or ferries, and punt-houses;
- (5.) For sites for tanneries, factories, saw or paper mills, stores, warehouses, or dwellings;
- (6.) For sites for wharves, jetties, quays, and landing-places, or for sites for the depositing of materials;
- (7.) For the working of mineral springs;
- (8.) For sites for ship and boat-building, or repairing and marine and general engineering works;
- (9.) For the collection and manufacture of salt;
- (10.) For taking, diverting, conserving, and using water for mining, agricultural, industrial, and other purposes;
- (11.) For works for supplying water, gas, or electricity;
- (12.) For market gardens;
- (13.) For fishing stations, and for the purpose of drying, canning, or preserving fish;
- (14.) For any other purpose approved by the Governor by notice in the *Gazette*:

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Provided that in all cases where it is proposed to grant a lease for a longer term than ten years, notice of the application for such lease and of the purpose and term for which it is proposed to be granted shall be published in four consecutive ordinary numbers of the *Gazette*, at least one month before the grant of such lease.

Amendment of Section 146 of principal Act.

4. IN connection with any difference of opinion between the valuers or arbitrators appointed under section one hundred and forty-six of the principal Act, such difference shall be determined by an umpire to be chosen by the valuers or arbitrators, as the case may be, or, if they cannot agree, to be chosen by the Governor; and such umpire shall have all the powers given by section one hundred and forty-eight to a Resident Magistrate.

Governor may dispose of inferior lands at less than 10s. an acre.

5. NOTWITHSTANDING anything contained in the principal Act, any Crown Land (whether within an Agricultural Area or not) which is proved to the satisfaction of the Minister to be second or third-class land, may be disposed of, subject to the conditions of sections fifty-five, fifty-six, or fifty-seven of the principal Act, at a price less than Ten shillings an acre, to be fixed by the Governor in each case, according to the classification of the land: Provided that in no case shall the price for either class of land be less than that fixed as the minimum price for the same class of land under section sixty-eight.

Governor may close any road.

6. THE Governor may, by proclamation in the *Gazette*, after the opinion of the Roads Board has been requested, close any road or reservation for a road which may have been surveyed or shown as a road on any plan published by the Department of Lands and Surveys: Provided that such road is not within the limits of a municipality or townsite, and has not been declared a Government road or declared a road under the Roads Act, 1888, or any amendment thereof.

Governor may exclude resumed land from Crown Grant.

7. THE Governor may exclude from the Crown Grant of any land held under lease from the Crown with a right of purchase any portion of such land which has been legally resumed or taken between the date of the lease and the issue of the Crown Grant.

Timber lessees and licensees may be authorised to construct tramways.

8. THE Governor may grant to any lessee or licensee, under Part XI. of the principal Act upon such conditions as to the Governor may seem fit, permission—

(a.) To construct and use tramways through and upon any Crown land or reserve, and to employ locomotive engines or other motive power and wagons for the haul-

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age of timber, piles, poles, balks, sandalwood, or firewood lawfully felled, cut, split, or removed; and

- (b.) To connect any such tramway with any Government Railway, subject to the regulations of the Railway Department made from time to time with respect to private sidings.

Any such permission may be revoked at the will of the Governor, and no person shall be entitled to recover compensation for any loss or damage he may sustain in consequence of such revocation.

9. AS from the thirtieth day of June, nineteen hundred and two, nothing contained in sections sixty-nine and seventy-two of the principal Act shall apply to the South-West Division of the State.

Sections 69 and 72 of principal Act not to apply to South-West Division.

10. (1.) IT shall be a condition of any grant under section eight, subsection (a), that, so far as any tramway may be constructed over a timber reserve, the grantee shall not cut any timber or firewood outside a limit of one chain on each side of the line.

Cutting of Timber limited on Reserves.

(2.) If encroachment be made on the declared timber reserves by the person or persons having the license to pass over them, the Minister shall cancel the license.

(3.) The conditions upon which any license to lay down such tramway is granted shall be laid upon the table of both Houses of Parliament, if in Session, within fourteen days after the grant, and such license shall be conditional upon both Houses of Parliament not disallowing such conditions.

11. NO timber lease or exclusive license over any timber land shall be granted within the boundaries of the declared goldfields.

Timber Leases not to be granted on declared Goldfields.

In the name and on behalf of the King I hereby assent to this Act.

ARTHUR LAWLEY, Governor.