[Approved for Reprint—23rd March, 1950.]

WESTERN AUSTRALIA.

LAND ACT 1933-1948.

ANALYSIS.

PART I.—INTRODUCTORY AND GENERAL PROVISIONS.

Sec.

1. Short title and commencement.
2. Arrangement.
3. Interpretation.
4. Repeal and savings.
5. Department of Lands and Surveys.
5A. The Director of Land Settlement.
6. Minister for Lands.
7. Crown lands may be disposed of under the provisions of this Act.
8. Governor may acquire land by purchase or exchange.
9. Land may be granted or leased to aborigines.
10. Districts and townsites may be defined.
Suburban lands.
11. Certain lands may be resumed.
12. Signature and date of Crown grants.
13. Signature of other instruments.
14. Surveyor's name to be attached to Crown grants.
15. Reservations in grants.
16. All applications subject to approval of Minister.
Discretion to refuse application.
17. (1) Minister may order surveys of Crown land and lands reserved for town and suburban lots.
(2) Surveys to be under direction of Surveyor General.
(3) Plans to be made, and such plans or certified copies to be evidence.
18. Loss of leases, etc., and amendment of defective descriptions.
19. If the survey varies from the application, how to be dealt with.
20. Minister may insert special clauses and grant limited right to timber.
21. Right to enter upon lands to make surveys.
22. Land of insolvents to be for benefit of creditors.
23. (1) Forfeiture for non-compliance with conditions.
(2) Power to waive forfeitures.
24. Forfeited land, how dealt with.
25. Restrictions upon public officers acquiring Crown lands.
26. Restriction as to age.
27. Appeal to Governor.

PART II.—DIVISION OF THE STATE.

28. Divisions.

PART III.—RESERVES.

29. Governor may make reserves.
30. Reserves to be notified in *Gazette*.
31. Classification of reserves.
32. Power to the Governor to lease reserves.
33. In whom reserves may be vested.
34. Reserves may be placed under board of management. Board may make by-laws.
35. Land within a common may be disposed of by conditional purchase.
36. Temporary reserves.
37. Power to cancel or change the purpose of reserves.

PART IV.—TOWN AND SUBURBAN LANDS.

38. Town and suburban lands to be sold by auction.
39. Sale by auction to be notified in Gazette.
Special conditions may be imposed.
40. Terms and conditions of sale to be read.
41. Payment purchase money.
42. Conditions relating to suburban lands.
43. License to occupy.

Sec.
44. Lessee of town or suburban land may acquire fee simple.
45. Grants of land for the purposes of the State Housing Act and the McNess Housing Trust Act.
45A. Governor may dispense with requirements under this Part as to certain sales.

PART V.—AGRICULTURAL AND GRAZING LAND.

Division (1).—Conditional Purchase.

46. Land may be declared open for selection.
47. Conditional purchase with residence.
(1) (a) Area.
(b) Joint holdings.
(c) Prescribed area inclusive of land already held.
(2) (a) Price.
(b) Value of improvements.
(c) Cost of survey.
(3) Application.
(4) Lease.
(a) Term.
(b) Rent.
(c) Residence.
(d) Residence — Grazing land.
(e) Residence — Joint holdings.
(f) Improvements and fencing.
(5) Grant in fee simple.
48. [Repealed.]
49. Conditional purchase without residence.
50. Additional land where lessee has not acquired the maximum area.
51. Cost of survey of land, not surveyed before selection.
52. Selector may be required to accelerate payments for existing improvements made by a prior lessee.
53. Accelerated completion of conditional purchase.
54. (1) Land for vineyards, orchards and gardens.
(2) Conditions.
(a) Price.
(b) Maximum and minimum areas allowed.
(c) Application.
(d) License.
(e) Payment of balance of purchase money.
(f) Fencing and improvements.
(g) Conditions precedent to issue of Crown grant.
(h) Additional applications.
55. Pastoral lessees in S.W. Division may obtain land by conditional purchase on special conditions.
56. Pastoral lessees in others than the S.W. Division may obtain land by conditional purchase, subject to special conditions.
57. Discount for payment of purchase money in advance.
58. Portion of improvements may be dispensed with in certain cases.
59. Exemption from fencing in certain cases.
60. Subdivision of holdings.
61. Special improvement conditions.
62. Inclusion of closed roads in adjoining land held under conditional purchase lease.
63. Devises, etc.
63A. Price may be reduced and rent may be deferred.
63B. When a lease has already expired, Minister may grant extension of time to pay balance of rent.

Division (2).—Free Homestead Farms.

64. Governor may declare Crown land available for homestead farms.
65. Application for homestead farm.
66. Statutory declaration to be made by applicant.
Effect of application.
67. Conditions as to taking possession and residence.
68. In case of illness and other valid reason absence allowed.
69. Improvements before issue of Crown grant.
70. Forfeiture for non-compliance with conditions.
71. Certain assignments before issue of Crown grants void.

Sec.

72. When and on what conditions a Crown grant shall issue.
73. Crown grants may be obtained after twelve months' residence on certain conditions.
74. Applicant for homestead farm may apply for C.P. land.
75. Improvements on land applied for and acquired under this Part to be paid for.
76. Power to cancel abandoned applications for homestead farms.
77. Area of free homestead farms granted under a scheme of group settlement may be increased.
78. Grants of holdings to group settlers.
79. Application of Section 51, (cost of survey) and ss. (4), (f) of s. 47.

Division (3).—*Working Men's Blocks.*

80. Governor may set apart certain lands for working men's blocks.
81. Certain persons entitled to leases of working men's blocks.
(1) Price.
(2) Maximum area allowed.
(3) Application to be accompanied by deposit of rent.
15th Schedule.
(4) 16th Schedule.
(5) Residence.
(6) Fencing and improvements.
(7) Conditions precedent to issue of Crown grant.
82. Minister may waive forfeiture for non-residence in case of illness, etc.
83. In certain cases leases may be transferred or mortgaged with Minister's approval.

Division (4)—*Special Settlement Lands.*

84. Governor may declare lands open for selection as special settlement lands.
Survey may be dispensed with in certain cases.
85. Minister may improve lands within Special Settlement area.

Sec.

86. Conditions of selection of land within Special Settlement area.
87. Power to throw open land for special selection.
88. Group settlements.
89. Special settlement.
89A. Governor may set apart Farm Reconstruction Areas.
89B. Disposal of Farm Reconstruction area to Rural and Industries Bank.

PART VI.—PASTORAL LEASES.

90. Pastoral leases may be granted.
91. (1) Application.
(2) Lease.
92. Pastoral leases, South-West Division.
93. Pastoral leases. Eucla Division.
94. Pastoral leases, North-West Division.
95. Pastoral leases, Eastern Division.
96. Pastoral leases, Kimberley Division.
Frontage Blocks.
97. Position and boundaries of leases.
98. Term and rent.
98A. Board of Appraisers may call and examine witnesses on oath.
99. Review of assessment of rent.
100. Review of re-assessment.
101. Adjustment and appraisement of rents of pastoral leases granted before the commencement of this Act.
101A. Minister may grant relief from payment of rent in certain cases.
101B. Minister may extend relief from payment of rent in certain areas.
102. Improvement conditions.
103. Penalty of non-stocking.
104. Re-appraisement of pastoral leases on transfer, etc., of portion.
105. Pastoral tenants have no right to soil or timber.
106. Reservations.
107. Permission to ring-bark, and penalty for unauthorised ring-barking by lessee.
108. [Repealed.]

Sec.

109. Power to resume land from pastoral leases for agricultural settlement.
109A. Notice to be given to pastoral lessees before land is withdrawn from lease.
109B. Notice to be given to pastoral lessees where land declared open for selection before withdrawal from pastoral lease.
110. Payment for improvements in certain cases.
111. Method of determining the value of improvements.
112. [Repealed.]
113. Maximum area.
114. Lessee under Act of 1917 may surrender lease and apply for a new lease.
115. Transfer of pastoral lease.
Transfer to companies.

PART VII.—SPECIAL LEASES AND LICENSES.

116. Governor may grant leases for special purposes.
Terms of over 10 years to be advertised.
117. Town, suburban and village lands may be leased.
118. License for quarrying, etc., but not on goldfield or in mineral district.

PART VIII.—AGRICULTURAL LANDS PURCHASE.

119. Funds.
120. Land Purchase Board.
121. Land may be surrendered.
122. Land Purchase Board to report.
123. Governor may purchase lands.
124. Disposal of land acquired under this Act.
125. Minister may improve lands purchased.
126. Reserves for public purposes, roads, etc.
127. Price and conditions on which land is to be sold.
128. Power to reduce selling price.
129. Deferment of rent payable by discharged soldiers.
130. Application of s. 134 (4), (5) to existing leases.
131. Interim cropping leases.
132. Appropriation of receipts when debentures are issued.

Sec.

133. Separate account to be kept by Treasurer.
134. Report to be presented to Parliament.

PART IX.—MISCELLANEOUS PROVISIONS.

135. Priority of application.
Method of selection in case of applications lodged at the same time.
136. Applications.
137. Applications for surveyed lands.
138. Fractions of an acre of holdings under Part V.
139. Rents.
139A. Minister may defer rent payable by lessee who has served with H.M. Forces.
139B. Definition of "Discharged Member of the Forces."
140. Improvements.
Improvements on resumed land.
141. Restriction of right of resumption without compensation.
142. Fee on Crown grants.
Permit to occupy.
143. (1) Transfers, etc., to be approved by Minister.
(2) Declaration on transfer.
(3) No transfer within two years, unless improvements effective.
144. Transfer of leases and licenses.
145. (1) Leases and licenses may be mortgaged.
(2) Memorandum of mortgage.
(3) Mortgage must be registered.
(4) Fee.
(5) Mortgage may be transferred.
(6) Lease or license to be produced.
146. Effect of mortgage.
147. Right of mortgagee.
148. Transfer on sale.
149. Mortgages of leases to be transferred to Crown grant.
150. Minors may hold and deal with land.
151. Instruments not effectual until registered.
152. Caveat may be lodged.
Address for service of notices.

Sec.

153. (1) Notice of caveat to be given.
(2) Caveator may be summoned to show cause.
(3) Caveat to lapse after fourteen days' notice to caveator.
(4) Power to extend the operation of the caveat.

154. No entry to be made in registry book while caveat in force.

155. Compensation for lodging caveat without cause.

156. Notification of caveats.

157. Caveat on behalf of a beneficiary under a will of settlement not to bar registration.

158. Power to Under Secretary for Lands to enter caveats.

159. Executions against land.

160. Power to Minister to register transmission where no administration of a deceased's estate.

161. Where death or lunacy occurs before completion of fencing and improvements.

Sec.

162. Acceptance of rent not to be deemed waiver of breach of covenant.

163. *Gazette* notice equivalent to re-entry.

164. Penalty for trespass.

165. Proof of residence and improvements.

166. Returns of stock and improvements.

167. Statutory declarations.

168. Communications to be addressed to the Under Secretary for Lands.

169. Auctioneer may sell without license.

170. Service of notices.

171. (1) Repayments of expenditure from loan funds by consolidated revenue.
(2) Investment Land Improvement Loan Fund.

172. Regulations.

SCHEDULES.

WESTERN AUSTRALIA.

LAND.

24° GEO. V., No. XXXVII.

No. 37 of 1933.

Reprinted pursuant to the Amendments Incorporation Act, 1938, as amended by the Acts No. 47 of 1934, No. 4 of 1936, No. 39 of 1937, No. 20 of 1938, No. 36 of 1939, No. 45 of 1945, No. 35 of 1946, No. 53 of 1948 and No. 68 of 1948.

AN ACT to consolidate and amend Enactments relating to Crown Lands.

[*Assented to 4th January,* 1934.]

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:—

PART I.—INTRODUCTORY AND GENERAL PROVISIONS.

1. This Act may be cited as the *Land Act, 1933-1948,* and shall come into operation on a date to be fixed by proclamation.*

Short title and commencement.

No. 37 of 1933, s. 1. amended by Nos. 53 and 68 of 1948, s. 2.

2. This Act is divided into Parts, as follows:—

Arrangement. No. 37 of 1933, s. 2.

PART I.—INTRODUCTORY AND GENERAL PROVISIONS.
PART II.—DIVISIONS OF THE STATE
PART III.—RESERVES.
PART IV.—TOWN AND SUBURBAN LAND.
PART V.—AGRICULTURAL AND GRAZING LAND.
Division (1).—*Conditional Purchase.*
Division (2).—*Free Homestead Farms.*
Division (3).—*Working Men's Blocks*
Division (4).—*Special Settlement Lands.*

Note.—Royal assent given to abovementioned amending Acts as follows:—

No. 47 of 1934 on 21st January, 1935; No. 4 of 1936 on 3rd November, 1936; No. 39 of 1937 on 18th January, 1938; No. 20 of 1938 on 22nd December, 1938; No. 36 of 1939 on 16th December, 1939; No. 45 of 1945 on 30th January, 1946; No. 35 of 1946 on 24th January, 1947; No. 53 of 1948 and No. 68 of 1948 on 21st January, 1949.

*6th March, 1934; see *Gazette,* 2nd March, 1934.

PART VI.—PASTORAL LEASES.

PART VII.—SPECIAL LEASES AND LICENSES.

PART VIII.—AGRICULTURAL LANDS PURCHASE.

PART IX.—MISCELLANEOUS PROVISIONS.

Interpretation. Ibid., s. 3.

3. In this Act, subject to the context—

"Adjoining" when used with respect to holdings under this Act, or any Act hereby repealed, extends to holdings which are only separated by a road or roads, or by a railway, or by a watercourse or other natural feature of such a character as to be insufficient to prevent the passage of stock.

"Conditional Purchase" means any area of land held under conditional terms of purchase from the Crown.

"Crown Grant" means a deed of grant issued in the name of His Majesty, conveying to the grantee some portion of Crown land in fee simple.

"Crown Lands" means and includes (subject to subsection (2) of section four) all lands of the Crown vested in His Majesty, except land which is, for the time being, reserved for or dedicated to any public purpose, or granted or lawfully contracted to be granted in fee simple or with the right of purchase under this Act or any Act hereby repealed, and all lands between high and low water mark on the seashore and on the banks of tidal waters.

"Department" means the Department of Lands and Surveys.

"Fence" means any substantial fence, not being a brush fence, proved to the satisfaction of the Minister to be sufficient to resist the trespass of—

(a) great stock; or

(b) great and small stock, including sheep, but not including pigs or goats,

as the Minister may determine:

Provided that where by this Act a person is required to fence a fractional part of his land, it shall be sufficient if he erects a fence on the

outer boundary of his land extending along a corresponding fractional part of such outer boundary.

"Frontage" means abuttal on or frontage to any seacoast, lake, inlet, river, creek, stream, watercourse, railway, tramway, or road, or intended or designed railway, tramway, or road, which the Minister shall consider necessary to be considered a frontage.

"High Water Mark," when applied to tidal waters, means the ordinary high water at spring tides, and when applied to other waters, means the ordinary high water mark at winter level.

"Minister" or "Minister for Lands" means the responsible Minister of the Crown for the time being charged with the administration of this Act and the Department of Lands and Surveys.

"Occupation Certificate" means a certificate authorising the occupation of land as a Free Homestead Farm.

"Owner" means beneficial owner.

"Pastoral Lease" means the lease of an area of Crown land to any person for grazing purposes.

"Pastoral Lessee" means the holder of a pastoral lease.

"Prescribed" means prescribed by this Act or any regulations made thereunder.

"Public purpose" includes, in addition to any purpose specified in this Act, any purpose declared by the Governor, by notification in the *Gazette,* to be a public purpose within the meaning of this Act.

"Quarter," in reference to a year means the period of three months beginning the first day of January, the first day of April, the first day of July, and the first day of October respectively.

"Representatives" means the executors or administrators of the person with reference to whom the word is used, and includes all persons in whom the estate or interest of such person is vested on his death.

"Schedule" means a schedule to this Act.

"Selector" means an applicant for, or occupier of land under Parts V., VI., VII., or VIII. of this Act.

Repeal and savings.
Ibid., s. 4.

4. (1) The Acts mentioned in the First Schedule are, subject to section sixteen of the Interpretation Act, 1918-1948, hereby repealed.

Provided that such repeal shall not affect any right, title, interest, or liability already created, existing, or incurred, or anything lawfully done or suffered, under any Act hereby repealed, or the regulations thereunder.

(2) Nothing in this Act shall affect, or be construed to derogate from the operation of the Mining Act, 1904-1948, the Forests Act, 1918-1931, the Discharged Soldiers Settlement Act, 1918, the Group Settlement Act, 1925, or the Closer Settlement Act, 1927-1945.

(3) Any reference to the Agricultural Lands Purchase Act, 1909, in any other Act shall be deemed to refer to the corresponding provisions of Part VIII. of this Act.

Department of Lands and Surveys.
Ibid., s. 5.

5. (1) There shall be a Department of State, to be called the Department of Lands and Surveys, which shall be the same department as that existing under the same name at the commencement of this Act.

(2) The Department of Lands and Surveys shall consist of—

(a) The Minister for Lands;
(b) The Under Secretary for Lands;
(c) The Surveyor General; and
(d) Such other officers as may from time to time be appointed officers of the department.

(3) The Under Secretary for Lands, the Surveyor General, and other members of the staff of the department at the commencement of this Act shall be deemed to have been appointed under this Act.

The Director of Land Settlement.
New section inserted by No. 35 of 1946, s. 2.

5A. There shall be, in addition to the officers mentioned in section five, subsection (2) of this Act, The Director of Land Settlement who shall be deemed to have been appointed under this Act.

6. (1) The Minister for Lands shall be charged with the administration of this Act and the Department.

The Minister for Lands. No. 37 of 1933, s. 6. Amended by No. 47 of 1934, s. 2.*

(2) The Minister for Lands shall, under that name, be a body corporate, shall have perpetual succession and a common seal, and shall be capable of suing and being sued, and of holding and disposing of real or personal property.

(3) All property and rights of property heretofore or hereafter vested in any Minister for Lands by his individual name on behalf of the Crown shall by force of this Act vest in the Minister in his corporate capacity.

7. (1) The Governor is authorised, in the name and on behalf of His Majesty, to dispose of the Crown lands within the State, in the manner and upon the conditions prescribed by this Act or by regulations made thereunder.

Crown lands may be disposed of under the provisions of this Act. No. 37 of 1933, s. 7.

(2) All grants and other instruments disposing of any portion of Crown lands in fee simple or for any less estate made in accordance with this Act shall be valid and effectual in law to transfer to and vest in possession in the purchasers the land described in such grants or other instruments for the estate or interest therein mentioned.

(3) The Governor is authorised to make such grants and other instruments, upon such terms and conditions as to resumption of the land or otherwise as to him shall seem fit.

8. (1) The Governor may, in the name of His Majesty, acquire from any person, with his consent, any land he may deem advisable to acquire for any purpose.

Governor may acquire land by purchase or exchange. Ibid., s. 8.

(2) Such land may be acquired by purchase or by the exchange of any Crown land of equal value.

(3) Any land so acquired shall, subject to Part VIII. of this Act, become Crown land within the meaning of this Act.

(4) In the case of a purchase, the value of the property to be acquired shall be determined by the Board constituted under Part VIII. of this Act, and in the case of an exchange, the Board shall determine the value of

* The amendments effected by this amending section have effect as from commencement of the principal Act.

the property to be acquired in exchange, and shall advise whether the Crown land proposed to be granted in exchange is of equal value thereto:

Provided that where the estimated value of the land purchased or exchanged does not exceed one hundred pounds it shall not be necessary to refer the matter to the Board.

(5) In this section "land" includes any interest in land.

Grant or lease to aborigines. No. 37 of 1933, s. 9. Repealed and re-enacted by No. 53 of 1948, s. 3.

9. Without prejudice to the provisions of this Act relating to the right of any person descended from the original inhabitants of Australia to apply for and acquire land as a selector under the provisions of this Act, the Governor may—

if of opinion that any such person is or is liable to be at any disadvantage with respect to an application for or the acquisition of land under the provisions of this Act because of his descent—

grant or lease to any such person, upon such terms and conditions as the Governor thinks fit in the best interests of any such person, any area of Crown land not exceeding the area prescribed for a selector by the provisions of section forty-seven of this Act.

Districts and townsites may be defined. No. 37 of 1933, s. 10.

10. The Governor may, by notice in the *Gazette*—

(1) constitute and define the boundaries of any new districts and townsites, and distinguish each townsite by name as a town;

(2) declare that any district or townsite shall cease to exist as such;

(3) extend or diminish the area of any district or townsite;

(4) alter the boundaries or name of any district or townsite;

(5) define or alter the name of any street, square, terrace, road, lane, or way;

(6) divide any district into two or more districts, and give each a distinguishing name;

Suburban lands.

(7) set apart any Crown lands, or any lands within a townsite, as suburban lands.

11. The Governor may by proclamation resume, for any of the purposes specified in section twenty-nine of this Act, any portion of land held as a homestead farm, or timber lease, or special lease, or leased by the Crown with a right of purchase, if in the public interest he shall deem it necessary; and the owner of such land, upon making claim as required by the Public Works Act, 1902-1945, in case he shall be entitled to compensation under this Act, shall be compensated for such resumption, either by a grant of land, subject to the same conditions and equal in area to that resumed, or, at the option of the owner, by a refund of the proportion of purchase money paid on the resumed portion, with interest at the rate of ten per cent. added; and in the event of any improvements having been made on the resumed portion, and compensation for the resumption of the land is not payable, he shall be entitled to compensation for such improvements, to be assessed in the manner prescribed in section one hundred and eleven of this Act, as if the land were held under a pastoral lease and the Crown were the selector:

Certain lands may be resumed. Ibid., s. 11.

Provided that if other suitable land is not available to grant in exchange for the land resumed, or if it appears to the Minister that in the circumstances of any particular case the grant of other land in exchange, or the return of a proportionate part of the purchase money, would be inadequate compensation for the resumption, the Governor may make to the lessee, or any person claiming under him, such pecuniary compensation as the Minister in his discretion may recommend:

Provided also, that particulars of the resumption and the amount of pecuniary compensation paid be laid before both Houses of Parliament within fourteen days after the resumption, if Parliament is sitting, or if Parliament is not sitting, within fourteen days after the commencement of the next session of Parliament:

Provided also that when any land is resumed under this section from a conditional purchase lease or a homestead farm for the purpose of such land being disposed of as town or suburban allotments, compensation shall be payable for the land resumed as well as for the

improvements (if any) thereon; and the amount of such compensation, if not agreed upon, shall be assessed under and subject to the provisions of the Public Works Act, 1902-1945.

Signature and date of Crown grants. Ibid., s. 12.

12. All Crown grants shall be signed by the Governor, as well as by the Minister and the Surveyor General, or other officer authorised in that behalf by the Governor, and sealed with the seal of the State, and every grant shall be entered on record in the Department of Lands and Surveys.

Signature of other instruments. Ibid., s. 13. Amended by No. 47 of 1934, s. 3.

13. All approvals to applications, permits to occupy, leases, licenses, transfers, instruments, and notices required to be served on the Registrar of Titles, except Crown grants, disposing of Crown lands shall be signed, or signed and sealed, as the case may require, by the Minister or by an officer authorised in that behalf by the Governor.

Provided that every such document which may by this section be signed by such authorised officer, and which prior to the commencement of this proviso has been signed by an officer of the Department of Lands and Surveys not in fact authorised by the Governor, shall be as valid and effectual as if such officer had been duly authorised by the Governor under this section.

Surveyor's name to be attached to Crown grants. No. 37 of 1933, s. 14.

14. The name of the surveyor from whose survey the plan on any grant has been made shall in every case be attached to such plan on the grant; but the omission of such name shall not affect the validity of the grant.

Reservations in grants. Ibid., s. 15.

15. (1) All Crown grants issued under this Act shall contain a reservation of all gold, silver, copper, tin, or other metals, ore, mineral, or other substances containing metals and all gems or precious stones, and coal, or mineral oil, and all phosphatic substances in or upon the land comprised therein, and shall be in the form or to the effect of the Second or Third Schedules, as the case may be, subject to the variations required to meet special circumstances.

(2) Crown grants, leases, or licenses issued under this Act may be issued for an estate in the land to a limited depth only, and reserving to the Crown all land below such depth.

Provided that, subject to the provisions of the Rights in Water and Irrigation Act, 1914-1945, notwithstanding such limitation of depth and reservation, the grantee shall have the right to enjoy all wells and springs of water which may at any time be upon the land, and to bore and sink wells for water through such land to any depth and to enjoy the same.

16. (1) All applications under this Act shall be subject to the approval of the Minister, who may insert such conditions and reservations as to him may appear necessary in the public interest.

All applications subject to approval of Minister. Ibid., s. 16. Amended by No. 47 of 1934, s. 4.

(2) Access to waterholes and springs, with roads leading thereto, should such be deemed necessary, and all roads and reserves deemed necessary, shall be made by the Minister, on the survey of any land applied for before survey.

(3) The boundaries of lands fronting on the ocean, or any sound, bay, or creek, or any part thereof affected by the ebb or flow of the tide, or on any lake, lagoon, swamp, river, or main stream, shall be limited in every case where possible by straight lines, as near to the high water mark as the Minister shall decide, and such lines shall be marked on the ground, and the land between such lines and the water shall vest in the Crown.

(4) The Minister shall have power in the public interest, and in his discretion, subject only to an appeal to the Governor under section twenty-seven, to refuse any application made under any Part of this Act.

Discretion to refuse application.

(5) No lease shall be granted under this Act of an area greater than that prescribed as the maximum area which one person may lawfully hold under this Act.

17. (1) The Minister may direct that any Crown lands, or lands reserved or set apart, or about to be reserved or set apart as town or suburban lands, shall be surveyed into lots, and may decide upon the size and shape of such lots, and the width and direction of all streets, roads, lanes, or ways within such lands.

Minister may order surveys of Crown land and lands reserved for town and suburban lots. No. 37 of 1933, s. 17.

Surveys to be under direction of Surveyor General.

(2) The surveys of all lands under the control of the Minister shall be carried out under the direction of the Surveyor General, or other officer authorised in that behalf, and in accordance with the regulations in force for the guidance of surveyors employed in the department.

Plans to be made, and such plans or certified copies to be evidence.

(3) Plans representing all surveys carried out by the direction of the Minister shall be retained in the department, and such plans or copies thereof, if certified as correct by the Surveyor General, or other officer duly authorised in that behalf, shall be accepted in every court of law as *prima facie* evidence respecting the alignment and width of every street, road, lane, or way and the boundaries of every lot or surveyed portion.

Loss of leases etc., and amendment of defective descriptions. Ibid., s. 18. Amended by No. 47 of 1934, s. 5.

18. (1) If any lease or license or occupation certificate, under this Act, is lost or destroyed, a duplicate or office copy thereof may be issued on payment of the prescribed fee, and on proof to the satisfaction of the Minister that the same has been lost or destroyed.

(2) If it is found, on survey or otherwise, that the description of the boundaries or plan of the land contained in any lease, license, or occupation certificate under this Act does not properly describe the land intended by the applicant to be therein comprised, or to which the lessee, licensee, or selector is entitled, either by reason of a want of survey, from an error in the description or survey, or from any other cause, the Minister may recall such lease or license, or occupation certificate, and amend the description or plan of the holding in such a manner as not to disturb the boundaries of any lease, license, or occupation certificate previously granted:

Provided that if the lessee, licensee, or selector fails to forward, on demand, to the Minister, any lease, license, or occupation certificate, or other document for correction, the Minister may cause the descriptions and the plans of the department to be amended if necessary, and shall, in such case, give notice of the amendment to the lessee, licensee, or selector.

(3) Such amended descriptions and plans, or copies thereof, shall, if certified by the Surveyor General, or

other officer authorised in that behalf, as correct, be accepted in every court of law as *prima facie* evidence of the boundaries of the land intended to be demised.

(4) On receiving notice from the Minister of any such amendment to a lease registered as a Crown lease under the Transfer of Land Act, 1893-1946, and its amendments, together with a plan certified by the Surveyor General showing the original boundaries and the amended boundaries, the Registrar of Titles shall amend both the original and the duplicate Crown lease in accordance with such notice and plan.

(5) Any Crown lease which has been heretofore amended by the Registrar of Titles to conform to any amendment of boundaries made pursuant to this section, or pursuant to the provisions of the Land Act, 1898, and its amendments, shall be deemed to have been lawfully amended.

(6) If any lease so amended under this section is subject to any encumbrance or if an amendment has already been made in a lease as referred to in the last preceding subsection and that lease was subject to any encumbrance at the date of such amendment, then by force of this Act such encumbrance shall be deemed to attach or to have attached to the land included in the boundaries of such lease as amended as if such land had been the subject of the lease at the date of such encumbrance.

If the survey varies from the application, how to be dealt with. No. 37 of 1933, s. 19.

19. (1) If any section, when surveyed, differs in any respect from that intended by the lessee, licensee, selector, or purchaser, the Minister shall not be responsible for any loss or inconvenience which the lessee, licensee, selector, or purchaser may experience.

(2) If the land is found to be in excess of that applied for, such excess shall be paid for by the lessee, licensee, or purchaser at the same price as the rest.

(3) If the land is found to be less than the quantity applied for, that quantity shall be made good out of adjoining lands, if any, open to selection, but no purchase money or rent shall be returned unless the quantity of land paid for by the lessee, licensee, selector, or purchaser, cannot be made good as aforesaid, and then only to the extent of the deficiency.

Minister may insert special clauses and grant limited right to timber.
Ibid., s. 20.

20. The Minister is authorised in his discretion to insert in any lease, license, or occupation certificate such conditions and clauses as may seem to him to be required for the public interest; as also to insert a clause permitting the lessee, licensee, or selector to cut such timber on Crown lands as may be required for domestic uses, for the construction of buildings, fences, stockyards, or other improvements on the lands so occupied, but not for any other purpose.

Right to enter upon lands to make surveys.
Ibid., s. 21.

21. Nothing in this Act or in any deed, lease, license, or occupation certificate granted thereunder shall be held to prejudice or interrupt the right of the Minister, or of any officer authorised in that behalf by him, to go upon any land for the purpose of making any survey, inspection, or examination of the same doing as little damage as possible.

Land of insolvents to be for benefit of creditors.
Ibid., s. 22.

22. If any person holding land under conditional terms as to improvement or otherwise shall be adjudicated bankrupt or insolvent, or shall assign his estate for the benefit of his creditors, his interest in such land may, with the consent of the Minister, be sold by the assignee or trustee of such insolvent or bankrupt's estate, and it shall be lawful for any person to purchase the same, and such purchaser shall thereupon be substituted for the person so becoming bankrupt or insolvent or assigning his estate as aforesaid, and shall have the same advantages and be under the same liabilities in all respects, in regard to such land, as the original holder of the land:

Provided that no person shall be entitled to purchase as aforesaid who would not be qualified under this Act to hold such land under conditional terms or otherwise, if such land were open to selection.

Forfeiture for non-compliance with conditions.
Ibid., s. 23.

23. (1) Subject to the provisions of this Act, if any holder of land under this Act fails or neglects to comply with, perform, or fulfil all or any of the prescribed conditions under which he holds such land, or if at any time the rent or instalment of purchase money is not paid as prescribed, the lease or other holding and the lands therein, and all improvements thereon, as well as any rent or purchase money that may have been paid, may be forfeited.

(2) The Governor may, for any cause he may deem sufficient— Power to waive forfeitures.

(a) waive any forfeiture and re-instate any lessee or licensee as of his former estate, and on any terms and conditions as he may think fit; or

(b) direct the amount received by the Crown from an incoming lessee or licensee for improvements on the forfeited holding to be paid to the former lessee or licensee, or other person deemed to be entitled thereto, after deducting any rent or other moneys due to the Crown; or

(c) remit any fines incurred by a lessee or licensee for non-payment of rent or breach or non-observance or non-performance of any covenant or condition.

(3) On receipt of a notification from the Minister that the Governor has waived a forfeiture and reinstated a lease, the Registrar of Titles shall thereupon endorse on the original lease in the Office of Titles a memorandum to that effect together with a note of any terms or conditions relating to such waiver and reinstatement.

24. (1) The land comprised in leases and licenses held under this Act or any Act hereby repealed, except quarry licenses, which may become forfeited either by failure of payment of the instalments of rent or purchase money, or by reason of the terms and conditions not having been complied with, shall, if not required for any public purposes, and subject as herein provided, be made available, by notice in the *Gazette,* for re-selection. Forfeited land, how dealt with. Ibid., s. 24.

(2) Should any improvements exist upon the land, their value may be ascertained by the Minister and added to the price, and shall be paid for by the selector as and when the Minister directs:

(3) Provided that if the Minister shall so order, any forfeited land shall revest, together with all improvements thereon, in His Majesty, his heirs and successors, for his or their former estate therein.

25. No person in the service of the Government of the State, and no surveyor who is paid by the Government by results, shall hereafter be allowed to purchase or lease Restrictions upon public officers acquiring Crown lands. Ibid., s. 25.

Crown lands without the previous permission of the Governor in writing: Provided that this prohibition shall not apply to any town or suburban land sold by public auction.

Restriction as to age. Ibid., s. 26. Amended by No. 36 of 1939, s. 2.

26. (1) No person under sixteen years of age shall be eligible to select, acquire by transfer, or hold land under this Act, except in the case of land disposed of under Part IV.

(2) The Minister may—

(a) require any applicant for, or the transferee of, land (other than land available for disposal or disposed of under Part IV.) subject to the provisions of this Act to prove that he is not under sixteen years of age; and

(b) require any such applicant or transferee, when he is a minor, to prove his actual age; and

(c) in any case, either under paragraph (a) or paragraph (b) hereof, require the applicant or the transferee to verify his proof as to age by a statutory declaration.

Appeal to Governor. No. 37 of 1933, s. 27.

27. If any person shall think himself aggrieved by any act or thing done or omitted to be done by the Minister or any officer of the Department, or by the exercise of any of the discretionary powers and authorities by Act conferred upon the Minister, it shall be lawful for such person, at any time within one month thereafter, or within such further time as the Minister may in special circumstances permit, to appeal to the Governor against the commission or omission of such act or thing, or the exercise of any such discretionary power or authority.

PART II.—DIVISION OF THE STATE.

Divisons. Ibid., s. 28.

28. For the purposes of this Act Western Australia is divided into five divisions, as follows:—

SOUTH-WEST DIVISION.

Bounded by lines starting from the seashore at a point situate West from the cairn on Bompas Hill, and extending East to the Murchison River; thence South-Easterly along the said river to a point situate North from the trigonometrical station near Tallering

Peak; thence South to the said trigonometrical station; thence South-Easterly through the cairn on Mugga Mugga Hill to the summit of Mount Gibson; thence Easterly to trigonometrical station K83; thence East to the No. 1 line of the rabbit-proof fence; thence Southerly along the said fence to the seashore, and thence Westerly and Northerly along the seashore, including the islands adjacent, to the starting point.

KIMBERLEY DIVISION.

All that portion of the State lying to the North of the parallel of 19° 30′ South latitude.

NORTH-WEST DIVISION.

Bounded by lines starting from the seashore at a point situate West from the cairn on Bompas Hill, and extending East to the Murchison River; thence South-Easterly along the said river to a point situate North from the trigonometrical station near Tallering Peak; thence South to the said trigonometrical station; thence South-Easterly through the cairn on Mugga Mugga Hill to the summit of Mount Gibson; thence Easterly to trigonometrical station K83; thence East to the No. 1 line of the rabbit-proof fence; thence Northerly along the said fence to the 760-mile post; thence North to the parallel of 19° 30′ South latitude; thence West to the seashore, and thence Westerly and Southerly along the seashore, including the islands adjacent, to the starting point.

EUCLA DIVISION.

Bounded by lines starting from the seashore near Wilson Bluff, at the East boundary of the State, and extending North to the parallel of 30° South latitude; thence West to the 125th meridian of East longitude; thence South to a point situate East from the summit of the granite rock near the 50-Mile Soak on the Dundas-Lake Lefroy Road; thence West to the No. 1 line of the rabbit-proof fence; thence South-Easterly along the said fence to the seashore, and thence Easterly along the seashore, including the islands adjacent, to the starting point.

EASTERN DIVISION.

All that portion of the State not included in the Kimberley, North-West, South-West, and Eucla Divisions already described.

PART III.—RESERVES.

Governor may make reserves. Ibid., s. 29.

29. The Governor may, subject to such conditions and limitations as he thinks fit, reserve to His Majesty, or dispose of in such manner as for the public interest may seem fit, any lands vested in the Crown that may be required for the following objects and purposes:—

(a) For the use or benefit of the aboriginal inhabitants.

(b) For the use and requirements of the Government.

(c) For railways, roads, tramways, or other internal communications; for drainage or irrigation works; or for the approaches or other purposes necessarily appertaining to any such works.

(d) For quays, landing places, ferries and bridges.

(e) For sites for churches and chapels.

(f) For sites for schools and other buildings for the purposes of education, and land for the endowment of educational institutions of a public character.

(g) For State Forests, areas for the conservation of timber, and indigenous flora or fauna; and for reservoirs, aqueducts, or watercourses, sewers, or drains.

(h) For sites for towns, residence and business areas, town halls, mechanics' and miners' institutes, tramways, railways, telegraph stations, post offices, abattoirs, public baths, schools of art, libraries, museums, public gardens, experimental farms, agricultural colleges, agricultural and horticultural societies, temperance institutions, cricket grounds, golf links, bowling greens, tennis courts, croquet grounds, racecourses, hospitals, magazines for explosives, sanitary depots, camping grounds, and institutions for charitable purposes, markets, courthouses, police stations, paddocks, prisons, or other edifices for public use or purposes.

(i) For cemeteries.

(j) For places necessary for the embellishment of towns, or for the health, recreation, or amusement of the inhabitants.

(k) For the endowment of municipal corporations and road boards within the State.

(l) For sinking shafts and digging for coal, iron copper, lead, or other minerals and metals, or for quarrying rock, clay, earth, or other material for making roads, buildings, or other works.

(m) For resting places, watering places, stock routes or commons for travellers and stock.

(n) For commons for the use of the inhabitants of any town or settlement.

(o) For sites for workers' homes under the State Housing Act, 1946-1947.* Formerly the Workers' Homes Act, 1911-1945.

(p) For sites for cottages for eligible persons under the provisions of the McNess Housing Trust Act, 1930-1948.† No. 30 of 1938, s. 4.

(q) For any other purpose of public health, safety, utility, convenience, or enjoyment, or for otherwise facilitating the improvement and settlement of the State.

30. A description of every such reserve, and of the purposes for which it is made, shall be published in the *Gazette,* and all reserves shall be set forth on the authenticated maps of the department. Reserves to be notified in *Gazette.* Ibid., s. 30.

31. (1) Whenever the Governor has reserved or may hereafter reserve to his Majesty any lands of the Crown for the purpose of parks, squares, or otherwise for the embellishment of towns, or for the recreation or amusement of the inhabitants, or for cemeteries, or for any other public purpose, the Governor may, by proclamation, and subject to such conditions as may be expressed therein, classify such lands as of Class A; and if so classified, such lands shall for ever remain dedicated to the purpose declared in such proclamation, until by an Act of Parliament in which such lands are specified it is otherwise enacted. Classification of reserves. Ibid., s. 31, amended by No. 53 of 1948, s. 4.

(2) (a) Whenever the Governor has reserved or may hereafter reserve to His Majesty any lands of the Crown and such lands are not classified as of Class A, the Governor may, at any time he thinks fit, classify such lands as of Class B, and on notice of such classification being published in the *Gazette,* such lands shall remain reserved from alienation or from being otherwise dealt with unless and until the Governor cancels such reservation by notice in the *Gazette.*

* Formerly Workers' Homes Act, 1911-1945.
† Formerly Housing Trust Act, 1930.

Provided that, in such case the Minister shall present a special report to both Houses of Parliament setting forth the reasons for such cancellation, and the purpose to which it is intended to devote the land; and such report shall be made to both Houses of Parliament within fourteen days from the cancellation, if Parliament is then in session, and, if not, within fourteen days after the commencement of the next session.

(b) Every classification as class A and declaration of dedication of such land—

made prior to the commencement of the Land Act Amendment Act, 1948, by notice of reservation published in the *Gazette*, or by any subsequent notice so published pursuant to the provisions of section thirty-one, subsection (1), of the Land Act, 1933-1946,

shall, without prejudice to the validity of such classification and declaration of dedication, by force of the Land Act Amendment Act, 1948, be regarded as made by Proclamation published at the time of the commencement of the Land Act Amendment Act, 1948.

(3) All other reserves made under this Part of this Act shall be classified as of Class C.

(4) Nothing in this section shall prevent the survey and declaration of any necessary roads and streets through or over any reserve; or, in case of any reserve being made before the land is surveyed, shall prevent the amendment of the boundaries and area in such manner as may be found necessary on survey, but so that the total area shall not be reduced by more than one-twentieth part thereof.

Power to the Governor to lease reserves.
No. 37 of 1933, s. 32.

32. When any reserve is not immediately required for the purpose for which it was made, the Governor may grant a lease or leases thereof, for not exceeding ten years, for any purpose, at such rent and subject to such conditions as he may think fit: Provided no lease for a term exceeding one year shall be granted unless applications are called for by notice in the *Gazette*.

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

Ibid., s. 33. New section substituted by No. 58 of 1948, s. 5.

"land" means land reserved pursuant to the provisions of this Act;

"Order" means Order in Council;

"person" means any municipality, constituted pursuant to the provisions of the Municipal Corporations Act, 1906-1947, and road board, constituted pursuant to the provisions of the Road Districts Act, 1919-1948, any other body corporate or any other persons;

"purpose" means the purpose for which the land is reserved pursuant to the provisions of this Act.

(b) Every Order made in pursuance of the provisions of this section shall—

(i) be published in the *Gazette* so soon after being made as is practicable;

(ii) commence to take effect upon publication in the *Gazette*;

(iii) describe the land affected by the Order;

(iv) specify the purpose for which the land affected by the Order is reserved, or may be leased or granted in fee simple;

(v) name the person—

in whom land is directed to be vested;

to whom a lease of, or the fee simple in, the land is directed to be granted—

by the Order;

(vi) specify the conditions and limitations subject to which the Governor—

confers any power to lease or sub-lease the land;

directs the grant of a lease of, or the fee simple in, the land—

by the Order.

(2) By Order the Governor may direct that—

any land shall vest in and be held by any person for the purpose—

and by the same or any subsequent Order the Governor may, subject to such conditions and limitations as the Governor shall deem necessary to ensure that the land is used for the purpose—

confer upon that person, power to lease for the purpose the whole or any part of the land.

(3) (a) By Order the Governor may direct that—

any land shall be leased for the purpose, by instrument of lease in accordance with the form in the Fourth Schedule to this Act, to any person.

(b) (i) The person to whom the land is leased pursuant to the provisions of the last preceding paragraph may, with the consent of the Governor, sublet, for the purpose, the whole or part of the land, or mortgage for the purpose, the whole of the land.

(ii) The consent of the Governor may be given subject to such conditions and limitations as the Governor shall deem necessary to ensure that the land is used for the purpose and the consent shall be endorsed on the instrument of sub-lease or mortgage, as the case may be.

(4) (a) By Order the Governor may direct that—

any land shall be granted in fee simple to any person subject to the condition that the person shall not lease or mortgage the whole or any part of the land without the consent of the Governor and subject to such other conditions and limitations as the Governor shall deem necessary to ensure that the land is used for the purpose.

(b) The consent of the Governor may be given subject to such conditions and limitations as the Governor shall deem necessary to ensure that the land is used for the purpose.

(5) When the mortgagee of any land mortgaged with the consent of the Governor, whether before or after the commencement of the Land Act Amendment Act, 1948, completes the exercise of the power of sale or foreclosure

pursuant to the mortgage, the land shall by force of this enactment be freed from any trust, condition, limitation, or other restriction, created or imposed in relation to the purpose.

(6) The provisions of this section shall apply in respect of all land reserved pursuant to the provisions of this Act prior to or after the commencement of the Land Act Amendment Act, 1948.

34. (1) The Governor may, by Order in Council published in the *Gazette,* place any reserve under the control of any municipality, road board, body corporate, or persons, as a board of management, with power to make, repeal, and alter by-laws for the control and management of such reserves, for prescribing fees for depasturing thereon, or other use thereof, for directing the manner in which such fees shall be imposed, paid, collected, and disposed of, and to impose penalties for breach of such by-laws not exceeding in any case five pounds, and two pounds a day for a continuing breach, but not more than twenty pounds in the aggregate.

Reserves may be placed under board of management. Board may make by-laws. No. 37 of 1933, s. 34.

(2) Such by-laws, and any alteration thereof, if approved by the Governor, shall be published in the *Gazette,* and shall be laid before both Houses of Parliament within fourteen days after such publication, if Parliament be then sitting; and, if Parliament be not then sitting, within fourteen days after its next meeting; and all such by-laws, when so published, shall have the force of law, and shall continue in force, unless repealed or altered as aforesaid, or disallowed by both Houses of Parliament.

35. The Governor may approve of any lands within any reserve for a common being disposed of by conditional purchase, or as a free homestead farm under Part V. of this Act.

Land within a common may be disposed of by conditional purchase. Ibid., s. 35.

36. The Minister may temporarily reserve land for any of the purposes specified in section twenty-nine, and if such temporary reserve be not confirmed by the Governor making the land a reserve, within twelve months from the date at which such temporary reserve was made, such land shall thereupon cease to be so reserved.

Temporary reserves. Ibid., s. 36.

Power to cancel or change the purpose of reserves. Ibid., s. 37.

37. Subject to section thirty-one, the Governor may cancel or amend the boundaries of any reserve not classified as of Class A, and may change the purpose for which any reserve not so classified was made:

Provided that notice of such cancellation, amendment of boundaries, or change of purpose shall be published in the *Gazette.*

PART IV.—TOWN AND SUBURBAN LANDS.

Town and suburban lands to be sold by auction. Ibid., s. 38.

38. (1) Town and suburban lands, after being surveyed into lots and notified in the *Gazette* as open for sale under this Part of this Act, shall be sold by public auction at upset prices to be determined by the Governor.

(2) Such lands may be put up for sale by order of the Minister at such times and places as he may think fit.

(3) Any person may apply to the Minister to put up any lot for sale and shall deposit with his application ten per cent. of the upset price, which amount shall be refunded in the event of the applicant being outbid at auction. Such application shall be in the form or to the effect of the Fifth Schedule.

Sale by auction to be notified in *Gazette.* Ibid., s. 39.

Special conditions may be imposed.

39. All sales by auction under this Part of this Act shall be previously notified in the *Gazette,* and in a newspaper for such time as the Minister may think fit, and such notices shall specify the place and time of sale, the number and upset price of each lot, and any special conditions with respect to the sale, and may add the value of improvements on any lots to the upset price:

Provided that any lot may be withdrawn from sale by the Minister at any time prior to the same being actually offered for sale and bid for.

Terms and conditions of sale to be read. Ibid., s. 40.

40. Any person authorised by the Minister may conduct sales by auction under this Act without having an auctioneer's license, and shall, before the commencement of the sale, read the terms and conditions of sale, and all persons bidding shall be bound by the terms and conditions so read.

41. (1) At all such sales by auction the purchaser shall, on the fall of the hammer, pay a deposit at the rate of ten per cent. upon the total amount of the purchase money, unless he has already paid a sufficient deposit on application, and any such deposit shall be considered as payment of the purchase money so far as the same will extend.

Payment purchase money. Ibid., s. 41.

(2) The balance of purchase money shall be paid as provided by regulations under this Act.

(3) In any case where the value of improvements on a lot is added to the upset price, and the lot is knocked down to any person other than the owner of such improvements, the value of the same shall be paid to the Minister or his agent immediately after the sale:

Provided that the balance of purchase money and fees may be paid at an earlier date if the purchaser so desires, but no Crown grant of any suburban lot shall issue until the Minister is satisfied that the fencing or improvements prescribed in the next following section has been completed.

42. Subject to the regulations made under this Act, suburban land shall be sold on condition that each lot shall, within two years from the date of sale, be fenced on the surveyed boundaries with a fence of the prescribed description, and in default thereof the land shall be forfeited, together with all purchase money and fees which may have been paid:

Conditions relating to suburban lands. Ibid., s. 42.

Provided that the Minister may dispense with the division fences between two or more adjoining lots purchased by one person, or may accept other substantial improvements of equal value in lieu of fencing.

43. On payment by the purchaser of town or suburban lands of the first prescribed instalment of the purchase money, a license in the form or to the effect of the Sixth Schedule may be issued on application entitling the holder to occupy the land, and such license may be mortgaged or transferred in the manner prescribed by this Act.

License to occupy. Ibid., s. 43.

Lessee of town or suburban land may acquire fee simple
Ibid, s. 44.

44. Any lessee of town or suburban land acquired at public auction or leased under the regulations in force for the time being, may, subject to the regulations, on payment of the price of the land as fixed for the time being by the Minister, and on performance of the prescribed improvement conditions, if any, surrender his lease and obtain in lieu thereof a grant in fee simple of his holding.

Grants of land for the purposes of the State Housing Act and the McNess Housing Trust Act.
Ibid., s. 45.

45. Notwithstanding anything contained in the preceding sections of this Part of this Act, the Governor—

(a) may grant town and suburban land to the State Housing Commission to be dealt with by the Commission under the provisions of the State Housing Act, 1946-1947*; and the Governor may make regulations prescribing the terms and conditions under which such land may be held and disposed of by the said Board;

(b) may grant town and suburban land to the Trust constituted under the McNess Housing Trust Act, 1930-1948,†, to be dealt with under the provisions of that Act; and such lands may be granted free to the Trust, or to be paid for by the Trust at a valuation to be fixed at the time of the grant, as the Governor may determine; and

(c) may make regulations prescribing the terms and conditions under which land may be disposed of to the said Trust, and the form of Crown grant to be used in connection therewith.

Governor may may dispense with requirements under this Part as to certain sales.
New section inserted by No. 35 of 1946, s. 3.

45A. (1) Notwithstanding anything contained in the preceding sections of this Part (Part IV.) of this Act, the Governor may dispense with the requirements thereof as to sale of town and suburban lands by public auction and may approve of any lot being town or suburban lands being offered for sale in fee simple or for leasing for a term not exceeding ninety-nine years upon such conditions, including conditions in regard to the effecting of improvements, at such prices in the case of sale, and at

* Formerly Workers' Homes Act, 1911.
† Formerly Housing Trust Act, 1930.

such rentals in the case of leasing (including provision for re-assessment of rental at intervals of not less than ten years) as the Governor may direct or as may be prescribed.

(2) Upon the Governor signifying approval pursuant to subsection (1) of this section, in respect of any such land the same may subject to this section be offered for sale or leasing as the case may be and the provisions of section one hundred and thirty-five of this Act shall apply: Provided that the notification in the *Gazette* therein referred to shall include particulars of the conditions and price or rental as the case may be referred to in subsection (1) of this section.

(3) The provisions of section forty-four of this Act shall not apply in respect of any land leased under the provisions of this section but upon the expiration of the term of the lease thereof the application of the lessee shall be entitled to preference in priority to that of any other applicant in the event of such land being offered for leasing in pursuance of this section.

PART V.—AGRICULTURAL AND GRAZING LAND.

Division (1).—*Conditional Purchase.*

Land may be declared open for selection.
No. 37 of 1933, s. 46.
Amended by No. 36 of 1939, s. 3.

46. The Governor may, by notice in the *Gazette,* declare any Crown land as open for selection under and subject to the provisions of this Part of this Act; and may, in like manner, withdraw any such land from being open for selection:

(First proviso deleted by No. 36 of 1939 s. 3.)

Provided further, that in the case of lands which do not exceed five hundred acres in extent the applications may be restricted at the discretion of the Minister to persons who are the holders of a leasehold estate in adjoining lands under the provisions of Part V. of this Act or an estate in fee simple in such adjoining lands.

In this proviso the term "adjoining lands" includes not only such lands as are actually adjacent to the lands open for selection but land which may be separated therefrom by any public road or way.

Conditional purchase with residence. No. 37 of 1933, s. 47. Amended by No. 39 of 1937, s. 2, and by No. 36 of 1939, s. 4.

Area.

47. Land declared open for selection under this Part of this Act may be disposed of subject to the following conditions:—

(1) (a) No person shall be competent to acquire, either as lessee or transferee, an area of land, in one or more parcels, exceeding one thousand acres, of cultivable land and two thousand five hundred acres of grazing land, or the equivalent area of grazing land or cultivable and grazing land mixed; or five thousand acres of grazing land, but so that in no case shall the area of cultivable land exceed one thousand acres:

Provided that—

(i) for the purposes of this paragraph, five acres of grazing land shall be deemed to be the equivalent of two acres of cultivable land;

(ii) the Governor may reduce the maximum area that may be acquired in prescribed localities;

(iii) on the recommendation of the Minister and with the approval of the Governor, it shall be competent for persons in particular localities or in special cases to acquire an area of land in one or more parcels exceeding one thousand acres of cultivable land but not in any event exceeding two thousand acres of cultivable land or the equivalent thereof.

Joint holdings.

(b) Where land is held in the joint names of two or more persons, each person shall, for the purposes of this subsection be deemed, unless the contrary is expressed,

to hold a proportionate part of the acreage of the joint holding in ratio to the number of such persons:

Provided that husband and wife shall not be competent to acquire jointly an area of land in excess of the area that either of them may lawfully acquire:

Provided also, that the wife or husband of any person who acquires land under this Part of this Act, shall not be qualified to acquire land thereunder so far as the acreage of their holdings would exceed the maximum area that may be lawfully acquired by either of them.

Prescribed Area inclusive of land already held.

(c) Land acquired by any person on conditional purchase under Parts V., VI., or VIII. of the Land Act, 1898, and so held at the commencement of this Act shall, for the purpose of computing the area that may be acquired under this Act, be deemed to have been acquired under this Act.

Price.

(2) (a) The price shall be fixed by the Governor, but shall not be less than one shilling per acre, or, except in special cases, more than fifteen shillings per acre.

In fixing the price consideration shall be given to the quality and productiveness of the land; its distance from a railway, market, or port; the prevalence of indigenous poison plants or the harmful species of wodjil as a dominant growth; and other circumstances.

Such price shall be exclusive of the cost of survey, and the value of improvements, if any: Provided that when the prevalence of indigenous poison plants or any harmful species of wodjil as a dominant growth is taken into consideration in fixing the price of the land, the Crown grant for the land shall not issue until the Minister is satisfied that the same has been eradicated.

Value of improvements.

(b) The value of any existing improvements on or affecting any land applied for, or authorised and in course of construction or intended to be constructed, shall be determined by the Minister, and (subject to section fifty-two) the price of the land shall be increased by the value so determined of such improvements, with interest thereon at the prescribed rate, to the intent that the price of the land as increased by the value of such improvements, shall be paid by the selector by half-yearly instalments at such times and in such manner as the price of the land if unimproved would have been payable.

Cost of survey.

(c) If the land was surveyed before selection the prescribed cost of survey shall be deemed an improvement within the meaning of paragraph (b) of this subsection.

Application.

(3) The application shall be in the form of the Seventh Schedule. A sum equal to the first half-yearly instalment of rent payable as prescribed by the next following subsection shall be deposited by the applicant with his application, and shall be returned if the application is not approved.

Lease.

(4) On approval of an application a lease in the form of the Eighth Schedule shall be issued to the applicant for the term, at the rent, and subject to the conditions hereinafter prescribed, that is to say:—

Term.

(a) The term shall be twenty-five years from the first day of the quarter next preceding the date of such approval unless extended to not exceeding thirty years under paragraph (b) (iii) of this subsection.

(b) The rent shall be fixed at such sum per annum as will, if duly paid during the currency of the lease, amount to the price of the land, and shall be payable by the lessee in equal half-yearly instalments in advance. Rent.

Such rent shall not exceed sixpence per acre per annum: Provided—

(i) that for each of the first five years of the term the rent shall be a sum equal to the interest at the prescribed rate on the cost of survey, and on the value of the improvements, if any, but not less than ten shillings per annum; and the annual rent for the remainder of the term shall be proportionately increased;

(ii) that if the price of the land exceeds ten shillings per acre, the Minister may, so far as necessary to reduce the annual rent to sixpence per acre, extend the term of the lease to not exceeding thirty years;

(iii) that if the price of the land would not, at the rate of sixpence per acre per annum, be fully paid within thirty years from the commencement of the lease, the rent payable after the first five years of the term shall be increased so far as necessary to provide for the payment of the land within such thirty years;

(iv) notwithstanding anything to the contrary contained elsewhere in this proviso, if the annual rent as payable after the first

five years, when calculated in accordance with this subsection, amounts to a sum less than one pound, the amount of annual rent calculated as aforesaid shall be disregarded, and after the first five years aforesaid the annual rent payable in respect of the lease shall be one pound until the price of the land shall, by means of the payment of such annual rent, have been paid in full.

Residence.

(c) (i) The lessee shall, within six months from the date of the lease, take in his own person possession of the land, and shall reside upon it and make it his usual home without any other habitual residence, during at least six months in each year for the first five years from the commencement of the lease, and if possession is not taken as aforesaid the lease shall be forfeited:

Provided that, if the lessee is already the beneficial owner of rural land for an estate of freehold or of land under conditional purchase, or is the holder of a lease of any such lands from the owner, or is the holder of a homestead farm within twenty miles of the land applied for, residence on such freehold, or conditional purchase land or homestead farm shall be sufficient residence under this paragraph:

Provided also that the residence of the wife or a parent of the lessee, or a child of the lessee of the age of over sixteen years, or other near relative approved by the Minister, may be accepted in lieu of the personal residence of the lessee:

Provided also that the Minister may grant to the lessee permission to absent himself from his holding for such time as the Minister may think fit, but the Crown grant shall not be issued until the holder has performed in the aggregate the residence conditions required to be performed during a period of five years.

(ii) The Minister may, notwithstanding the first five years of the term have expired, require satisfactory evidence of residence to be adduced by the lessee, and, failing such evidence, may require expenditure on improvements to the extent of not exceeding double the amount which otherwise would have sufficed, before the issue of a Crown grant.

(iii) Notwithstanding anything contained in this subsection to the contrary, the Governor may prescribe that personal residence by the lessee shall be obligatory.

Residence—grazing land.

(d) If the Minister is satisfied that any land acquired under this section is suitable only for grazing, or more suitable for grazing than cultivation, he may permit residence by the servant or agent of the lessee in lieu of residence as hereinbefore prescribed, but in such case such residence by a servant or agent must be for not less than nine months in each year of the first five years of the term of the lease.

Residence—joint holdings.

(e) Where land held jointly by two or more lessees is subject to the condition of residence, it shall suffice if, with the Minister's approval, the residence condition is fufilled by one of the joint lessees.

Improvements and fencing.

(f) The lessee—

(i) shall provide an adequate water supply within the first two years of the term of the lease, if required by the Minister to do so;

(ii) shall expend in prescribed improvements an amount equal to one-tenth of the purchase money in every year of the first ten years thereof, and shall fence in at least one-half of the land within the first five years and the whole of the land during the said period of ten years: Provided that where a sheep-proof and cattle-proof exterior fence is erected, half the value of such fence shall be deemed to be part of the improvements required between the fourth and tenth years of the lease: Provided also that where the lessee erects a rabbit- or dog-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 part of the improvements as aforesaid: Provided also that if the purchase money exceeds one pound an acre, the purchase money shall, for the purposes of this subsection, be deemed to be one pound an acre, if the Minister in his discretion so directs.

It shall be obligatory on the part of the lessee to commence within six months from the date of the lease and thereafter to continue the improvements to the satisfaction of the Minister.

If from any cause deemed by the Minister to be sufficient, a lessee has been prevented from fencing or improving his land within the time prescribed, the Minister may, with the approval of the Governor, grant an extension of such time, not exceeding twelve months, to complete such fencing or improvements.

Grant in fee simple.

(5) At the expiration of the lease, or at any time after five years from its commencement, if the conditions have been complied with, the fencing and improvements maintained, and the price of the land fully paid, rent being deemed payments on account of the price, a Crown grant of the land shall be issued to the lessee in the form of the Third Schedule on payment of the prescribed fee:

Provided that any portion of the land lawfully resumed prior to the issue of the grant may be excluded therefrom.

48. [*Amended by No.* 47 *of* 1934, *s.* 6 *and repealed by No.* 36 *of* 1939, *s.* 5.]

Conditional purchase without residence. No. 37 of 1933, s. 49.

49. (1) Land may be leased under section forty-seven of this Act without the condition of residence but subject to all other conditions therein prescribed:

Provided that the lessee shall expend on improvements (in addition to an adequate water supply if required by the Minister to provide the same) an amount not exceeding double the amount which, under section forty-seven, a lessee subject to residence conditions is required to expend.

1898, No. 37, s. 64.

(2) Any lessee of conditional purchase land subject to the condition of residence may, on application to the Minister, and on payment of a fee of twenty shillings, be relieved of the condition of residence; provided that in such case the improvements shall be of the value of double the amount of the purchase money.

In the case of a lease acquired on the recommendation of a Land Board, such application may be granted or refused in the discretion of the Miinster.

(3) Any lessee of conditional purchase land not subject to the condition of residence, who is prepared to comply with such condition may, on application to the Minister, and on payment of the fee of twenty shillings, have the conditions of his lease modified accordingly.

Additional land where lessee has not acquired the maximum area. No. 37 of 1933, s. 50.

50. (1) Any person having obtained land of less extent than may be lawfully acquired under subsection (1) of section forty-seven may make other applications for land under that section, within twenty miles of the land so obtained; but so that his holdings shall not exceed in the whole the maximum quantity that may be lawfully held.

(2) Residence on the additional land shall not be obligatory, but all the other conditions shall apply: Provided that if two or more leases held by one person adjoin they may be deemed to be one lease in respect to the required fencing and improvements.

Cost of survey of land not surveyed before selection. Ibid, s. 51. Amended by No. 36 of 1939, s. 6.

51. (1) Every lessee under this Part of this Act of land not surveyed before selection shall pay the prescribed cost of survey, with or without interest, by such instalments, at such times, and in such manner, as may be prescribed, and in default the lessee shall be subject to the penalties prescribed by section one hundred and thirty-nine of this Act:

Provided that the Minister may refuse to effect the survey of any land unless the lessee pays the cost of survey in advance:

Provided, also, that if a lease is surrendered or forfeited, the cost of the survey, or the unpaid balance thereof, shall if so directed by the Minister, be payable to the Minister forthwith by the person in whom the lease was vested at the date of the surrender or forfeiture.

(2) Where several contiguous holdings are held by the same person, it shall suffice if the external boundaries of the group of holdings are surveyed, and in such case the survey fee may be assessed upon the area comprised in the group of holdings as a whole, unless the Minister, having regard to the relative positions of the holdings, shall otherwise order:

Provided that, if the lessee shall request the issue of a separate Crown grant for any particular holding, being one of a group of contiguous holdings of which only the external boundaries have been surveyed, or if the lessee shall transfer to any other person any particular holding of the kind hereinbefore mentioned, the Minister may, before such Crown grant is issued or such transfer is approved, as the case may be, require the lessee to pay such amount as the Minister may determine for or on account of the cost of any surveys necessary to define the boundaries of the several holdings which comprise the group of contiguous holdings aforesaid.

Selector may be required to accelerate payments for existing improvement made by a prior lessee. No. 37 of 1933, s. 52.

52. Notwithstanding paragraph (b) of subsection (2) of section forty-seven, where there are existing improvements on land applied for, and such improvements were made by a former lessee whose holdings may have been surrendered or forfeited, and the Governor may, in the exercise of the discretion vested in him by paragraph (b) of subsection (2) of section twenty-three have directed that the value of such improvements shall be wholly or partially paid to the former lessee or other person deemed to be entitled thereto, the applicant may be required to pay the value of such improvements, to be determined by the Minister at such time and in such manner as the Minister may direct.

Accelerated completion of conditional purchase. Ibid., s. 53. New section substituted by No. 36 of 1939 s. 7.

53. (1) The Governor may, in the exercise of the power conferred by section forty-six of this Act, declare any Crown land to be open for selection exclusively under the conditions for accelerated payment as provided in this section, and may in like manner withdraw such land or any portion thereof from the availability for selection as aforesaid.

Provided that any land which otherwise would be open for selection under section forty-seven of this Act may be applied for under and subject to the provisions of this section, unless the notice in the *Government Gazette* declaring such land to be open for selection expressly states that such land shall not be open for selection under and subject to the provisions of this section.

(2) In relation to land selected under and subject to the provisions of this section—

(a) the provisions of subsection (1) of section forty-seven of this Act shall apply;

(b) the land shall not be subject to any condition of residence;

(c) notwithstanding anything to the contrary contained elsewhere in this Act, the price to be paid for the land shall be fixed by the Governor;

(d) every application for land shall be made in writing, in accordance with the form prescribed by the regulations and shall be accompanied by a deposit on account of the price of the land applied for equal to ten pounds per centum of such price;

(e) when an application for land is approved by the Minister, a license in accordance with the form prescribed by the regulations shall be issued to the applicant, and shall operate and have effect for seven years computed from and including the first quarter day next preceding the date of the approval of the application by the Minister;

(f) when an application for land has been approved by the Minister as aforesaid the deposit which accompanied the application shall be credited to the applicant in part payment of the price payable for the land, and the balance of such price then remaining unpaid shall be paid by the applicant within twelve months after the date upon which the license issued to the applicant as provided in paragraph (e) hereof commences to operate by means of four equal quarterly instalments on the first days of January, April, July, and October, the first of such instalments being payable on the first day of the quarter next following the date when the said license commences to operate

as aforesaid: Provided that the applicant shall be at liberty on any quarter day aforesaid to pay the whole of the said balance of purchase price, instead of only one instalment thereof, but shall, notwithstanding such payment, not be entitled to the issue to him of a Crown grant in respect of the land until the Minister is satisfied that the applicant has complied with and fulfilled all the prescribed conditions relating to the land;

(g) the applicant, as the licensee aforesaid, or the transferee of the license issued to the applicant, shall, within three years from the date when the license commenced to operate, fence in the whole of the land, and, within seven years from the said date, in addition to the said fencing expend upon improvements of or on the said land an amount equal to the purchase money, but not exceeding one pound per acre *pro rata* during each year;

(h) in addition to the improvements required by paragraph (g) hereof the applicant, as licensee, or the transferee of the license shall, if so required by the Minister, provide upon the land an adequate water supply within two years from the date when the said license commences to operate;

(i) if the land to which the license relates adjoins other lands which are held under this Act or under any Act repealed by this Act, with a right to acquire the freehold thereof by the person who for the time being is the holder of such license, the land to which the license relates and the other lands aforesaid shall, for the purpose and in respect of the improvements required under paragraphs (g) and (h) hereof be deemed to be one holding;

(j) when and as soon as—

(i) the full purchase price for the land and the fee for Crown grant has been paid; and

(ii) the conditions as to fencing and other improvements, and water supply (if required) have been duly complied with in accordance with this subsection; and

(iii) the provisions of sections fifty-one and fifty-two, in so far as they are applicable, have been duly complied with,

and provided the said fencing and other improvements and the said water supply (if required) have been duly and properly maintained, a Crown grant in respect of the land shall be issued to the person then being the beneficial owner of the license issued under this subsection in relation to such land, notwithstanding that the said license may not then have expired:

Provided that, if the said land is a balance of a surveyed location, a portion of which has been granted as a homestead farm or conditional purchase lease to the person who for the time being is the beneficial holder of the license issued under this section in relation to such first-mentioned land, the Crown grant for such first-mentioned land shall not be issued to such person until all the conditions appertaining to the said homestead farm or conditional purchase lease have been fulfilled.

Land for vineyards, orchards and gardens. No. 37 of 1933, s. 54, amended by No. 36 of 1939, s. 8.

54. (1) In exercise of the power conferred by section forty-six the Governor may, from time to time, by notice in the *Gazette*, declare any Crown land to be open for selection for vineyards, orchards, and gardens, and may in like manner withdraw such land from being open for selection.

Conditions.

(2) Such land shall be disposed of under and subject to the following conditions:—

Price.

(a) The price of the land shall be fixed by the Governor, but shall not be less than ten shillings per acre, payable in three years or sooner, as hereinafter prescribed.

(b) The maximum area held by one person shall be fifty acres, and the minimum, except in special cases approved by the Minister, shall be five acres: Provided that the area of any land held by the selector, under section sixty of the Land Act, 1898, shall, in calculating the total area held by such selector, be deemed to be held under this section. **Maximum and minimum areas allowed.**

(c) The application shall be in the form or to the effect of the Tenth Schedule, and one-sixth part of the purchase money shall be deposited with the application, and shall be returned if the application is not approved. **Application.**

(d) On approval of the application by the Minister, a license, in the form of the Eleventh Schedule, shall be issued for three years, to date from the first day of the quarter next preceding the date of the approval of the application, and the amount of the deposit paid with the application shall be credited to the licensee in payment of the first half-yearly instalment of the purchase price payable for the said land. **License.**

(e) Subject to paragraph (d) hereof, the balance of purchase money shall be paid within three years from the date of the commencement of the license by equal half-yearly instalments on the first day of March and the first day of September: Provided that the balance of the purchase money may be paid at an earlier date should the selector so desire, but no Crown grant shall issue until the Minister is satisfied that the prescribed conditions have been fulfilled. **Payment of balance of purchase money.**

(f) The licensee shall, during the term of the license, fence in the whole of the land, and shall plant at least one-tenth of the area with vines or fruit trees, or otherwise cultivate it *bona fide* as a vegetable garden: Provided that the term may be extended under and subject to the last paragraph of subsection (4) (f) of section forty-seven, which shall apply. **Fencing and improvements.**

Conditions precedent to issue of Crown grant.

(g) At the expiration of the license, or at any time during the continuance of the license, provided that all the conditions of fencing and cultivation have been complied with, and the said fencing and cultivation maintained, and also that the full purchase money and prescribed fee have been paid, a Crown grant of the land shall issue.

Additional applications.

(h) Any person having obtained land under this section of less extent than fifty acres may make other applications for land under this section, but so that his holdings shall not exceed in the whole the maximum quantity of fifty acres: Provided that, if two or more licenses held by one person adjoin, they may be deemed to be one license in respect of the required fencing and cultivation.

Pastoral lessees in S.W. Division may obtain land by conditional purchase on special conditions. No. 37 of 1933, s. 55.

55. Any pastoral lessee in the South-West Division at any time during his lease may apply for land within his lease, open for selection, in one or more blocks not exceeding three separate selections adjoining his homestead not exceeding twenty per cent. of the aggregate quantity held on lease by him from the Crown within such division, and on approval of the application a lease shall be granted subject to all the conditions appertaining to conditional purchases under this Division of this Part of this Act, except residence. If the land so selected is within a properly fenced enclosure, the fencing of the land upon the boundaries shall not be obligatory: Provided always that this section shall not permit any pastoral lessee to obtain under this section a greater area under conditional purchase than may be lawfully acquired under section forty-seven.

Pastoral lessees in other than the S.W. Division may obtain land by conditional purchase, subject to special conditions. Ibid., s. 56.

56. Any pastoral lessee in the Kimberley, North-West, Eastern, and Eucla Divisions who shall have in his possession in any such division at least ten head of sheep or one head of large stock for each one thousand acres leased, may apply in the prescribed form to purchase any Crown land within his lease (not being within a goldfield or mineral field) in one or more blocks, not exceeding in the aggregate one per cent. of the total area held

by such lessee under pastoral lease in such division, on the same terms, and subject to the same conditions as are applicable to conditional purchases under this Division of this Part of this Act, except residence: Provided that the minimum area shall be five hundred acres, and in no case shall more than three separate selections be allowed to be taken by one lessee.

Provided also, that this section shall not permit any pastoral lessee to obtain under this section a greater area under conditional purchase than may be lawfully acquired under section forty-seven:

Provided also, that this and the last preceding section shall not apply to pastoral leases within a goldfield or mineral field.

Discount for payment of purchase money in advance.
Ibid., s. 57.

57. If a lessee under sections forty-seven or fifty-nine shall pay the balance of the price of the land in advance of the half-yearly instalments, he shall be allowed such rebate as shall reduce the amount paid to a sum equal to the present value of the instalments of purchase money to fall due under the lease, calculated actuarially on a five per cent. basis.

Portion of improvements may be dspensed with in certain cases.
Ibid., s. 58.

58. In the case of any conditional purchase lease held under this Part of this Act, or under any Act hereby repealed, if the price of the land has been paid, the land fenced as prescribed, and the Minister is satisfied that from the nature or situation of the land or composition of the soil its cultivation or further improvement would be out of proportion to the probable returns, or otherwise impracticable, and not likely to result in any profitable return, the Governor may discharge the lessee from the obligation to make further improvements.

Exemption from fencing in certain cases.
Ibid., s. 59.

59. (1) The Minister may, on the application of any holder of land under this Part of this Act, grant an exemption from fencing any part of the land so held which has frontage to a permanent river, creek, or other natural feature considered by the Minister to be sufficient to serve the purpose of a fence, and may grant such holder permission to extend the fences across any land

intervening between his land and the said natural feature. The fence shall in all other cases be erected on the surveyed boundary lines, or in special cases as near thereto as approved by the Minister, and shall be of the prescribed description.

(2) The Minister may permit any lessee to substitute in lieu of fencing any other prescribed improvement of equal value.

Subdivision of holdings. Ibid. s. 60. Amended by No. 36 of 1939, s. 9.

60. (1) With the approval of the Minister, any holding under this Part of this Act may, under special circumstances, be subdivided on such terms as to adjustment of rent, or otherwise, as the Minister may determine, and upon payment of the prescribed fees and cost of survey: Provided that the area of any subdivision shall not be less than the prescribed minimum.

(2) Upon the subdivision of land comprised in any lease, the original lease shall be surrendered and new leases shall be issued in lieu thereof in the name of the original lessee, or of any person claiming under the original lessee, as the case may require, for the unexpired term of the original lease at the time of the surrender thereof as aforesaid.

Special improvement conditions. No. 37 of 1933, s. 61.

61. Notwithstanding anything contained in this Act to the contrary, where any Crown land open for selection is situated within a distance prescribed by regulations from a railway, or the line of an authorised railway, the Minister may prescribe by regulations special conditions as to improvements in substitution for or in addition to the conditions prescribed by this Act, but the holder of such land shall not be required to carry out any improvements that exceed in cost the amount that The Rural and Industries Bank of Western Australia* is prepared to lend such holder.

Cf. No. 51 of 1944, s. 20.

Inclusion of closed roads in adjoining land held under conditional purchase lease. No. 37 of 1933, s. 62.

62. (1) Subject to the provisions of the Closed Roads Alienation Act, 1932, when after the granting of any conditional purchase lease any road running through or across or abutting on any portion of the land com-

* Formerly the Agricultural Bank.

prised therein has been closed, the Minister may, by an order under his hand, direct that such road shall be included in the land comprised in the lease.

(2) Every such order shall have effect according to its tenor, and every alteration and entry or memorial necessary to give effect to any such order shall be made in and on the lease instrument in the Office of Titles or the Department of Lands and Surveys, free of charge.

Devises, etc. Ibid. s. 68.

63. Whenever any person acquires land held on conditional purchase lease or license under this Part of this Act as the devisee or next-of-kin of a deceased lessee or licensee, it shall not be obligatory upon such person, during the two years next following the death of the deceased, to comply with the residential conditions to which such land may be subject, and such land so acquired may be held by the devisee or next-of-kin, during such period, notwithstanding that the land so acquired may, together with land previously held by him, exceed the maximum area a person may lawfully hold under this Act.

Price may be reduced and rent may be deferred. New section inserted by No. 47 of 1934, s. 7. and amended by No. 36 of 1939, s. 10.

63A. In respect of any conditional purchase lease granted under Parts V. or VI. of the Land Act, 1898, or granted before or after the commencement of this section under Part V. of the principal Act—

(a) if it is proved to the satisfaction of the Governor, after due regard has been given to the quality, productiveness, distance from railway, market, or port, or any other circumstances connected with the land the subject of the lease, that the price reserved by the lease is excessive, or if it is proved that the land is infested with indigenous poison plants, or the harmful species of wodjil as a dominating growth, the Governor may at his discretion reduce the price of such land to not less than one shilling per acre, exclusive of the value of improvements (if any) and survey fees:

Provided that, on any such reduction being made, the lessee shall not receive a refund of rent, if any, already paid prior to the date of such reduction, nor shall the liability of the lessee for payment to that date of the

rent, if any, reserved by the lease be affected, but any credit in favour of the lessee which shall result by any such reduction shall be placed to the lessee's credit without affecting, however, his liability to continue the payment of the annual rent at the reduced rate per acre until the purchase price adjusted as aforesaid and reduced by the amount so placed to his credit is fully paid:

Provided, further, that the grant in fee simple of land the rental of which has been reduced on the ground that such land is infested with indigenous poison plants shall not be approved until such poison plants are eradicated to the satisfaction of the Minister.

(b) The Minister may defer payment of rent reserved by the lease for any period not exceeding ten years, and may—

(i) direct that the amount payable as annual rent under the terms of the lease shall be increased for the balance of the existing term of the lease to the intent that payment of the full price for the land shall be made within the term of the lease; or

(ii) direct that the term of the lease shall be extended for a like period to that for which the payment of rent is deferred.

The Minister shall notify the Registrar of Titles of any alteration of rental and/or extension of term made under the provisions of this section in respect of any lease registered as a Crown lease under the provisions of the Transfer of Land Act, 1893-1946, and its amendments, and the Registrar shall indorse the original and duplicate lease accordingly.

When a lease has already expired Minister may grant extension of time to pay balance of rent.
New section inserted by No. 47 of 1934, s. 8, and amended by No. 36 of 1939, s. 11.

63B. (1) The Minister may grant an extension of the term of any conditional purchase lease granted under the provisions of Part V. or Part VI. of the Land Act, 1898, which has expired or shall have expired at the time of the granting of such extension, where the full purchase price has not been paid at such date of expiry.

(2) Any such extension shall be for a period not exceeding ten years from the date of the expiration of the lease, and during that period the lessee shall make payment of the balance of the purchase price.

(3) The annual rental payable for the period of such extension shall be that amount which represents the total balance of purchase money remaining owing divided by the number of years of such extended period. Such annual rental shall be payable by equal instalments half-yearly in advance, on or before the first day of March and the first day of September in every year, and the first of such instalments shall be deemed to become due on the next half-yearly day following the date on which the term had expired. Failure to pay the said rental on the due dates shall render the lessee liable to the prescribed fines and penalties and the lease liable to forfeiture.

(4) Subject to the provisions of this section, the extension of the term of any lease under this section shall not be deemed a waiver of the right of His Majesty or the Minister to enforce the observance of any covenant, condition, or regulation under which the lease is held, or the forfeiture thereof, for a breach of any covenant, condition, or regulation committed before or after the granting of such extension of term.

(5) In regard to any such lease which is registered as a Crown lease under the provisions of the Transfer of Land Act, 1893-1946, and its amendments, the Minister shall notify the Registrar of any such extension and of the annual rent payable during the period of such extension. The Registrar shall thereupon indorse the original lease and the duplicate lease accordingly, and such lease shall, by force of this Act, be deemed to have been extended, subject to any alteration as regards the rental, as though the term had continued uninterruptedly, and all encumbrances registered against such lease shall, by force of this Act, have effect against the lease with such extended term.

Division (2).—*Free Homestead Farms.*

Governor may declare Crown land available for homestead farms. No. 37 of 1933, s. 64.

64. The Governor may, by notice in the *Gazette,* declare that any Crown lands are available for free farms, called "Homestead Farms"; and may in like manner, withdraw any such lands from being open for such selection.

Application for homestead farm. Ibid. s. 65.

65. Every person not being already the holder of more than a hundred acres of land for an estate of freehold, or under conditional purchase lease, and being the head of a family or a male who has attained the age of sixteen years, who applies in the form prescribed, may obtain, subject to the approval of the Minister, a homestead farm of not more than one hundred and sixty acres of cultivable land or its equivalent, as prescribed by section forty-seven from lands declared open for selection under this Part of this Act.

Statutory declaration to be made by applicant. Ibid. s. 66. Amended by No. 47 of 1934, s. 9.

66. (1) The application for a homestead farm shall be in the form or to the effect of the Twelfth Schedule, and every applicant shall make a statutory declaration, in the form or to the effect of the Thirteenth Schedule, and upon leaving with or forwarding to the Minister or his agent such declaration, and on payment of an office fee of one pound, such person shall, if his application is approved by the Minister, receive an occupation certificate in the form or to the effect of the Fourteenth Schedule.

(2) Such certificate shall, subject to the provisions of this Act, authorise the person obtaining it (hereinafter referred to as the selector) to enter upon and take possession of the land described therein, and to hold possession of, occupy, and improve such land to the exclusion of any other person for the term of seven years to be computed from the first day of the quarter next preceding the date of approval of his application.

Provided, however, that where the area of a homestead farm constitutes portion of a surveyed location and the selector of the homestead farm is the holder of a conditional purchase lease of the balance of such surveyed location, then the occupation certificate shall have the same currency and term as the conditional purchase lease.

Effect of application.

(3) The title to the land shall remain in the Crown until the issue of the Crown grant therefor, and neither the land nor the interest of the selector therein shall be liable to be taken in execution or be subject to the provisions of section twenty-two of this Act relating to insolvency during continuation of the occupation certificate.

Provided that, if the Crown grant of the homestead farm be not obtained by the selector within seven years from the commencement of the term of the occupation certificate, then the protection conferred by this subsection on the selector shall cease to have effect.

Conditions as to taking possession and residence.
No. 37 of 1933, s. 67.

67. (1) Every such selector shall, within six months from the date of the commencement of the term of his occupation certificate, take, in his own person, possession of the land, and shall, subject to the provisions of this Act, reside upon it and make it his usual home, without any other habitual residence, during at least six months in each year for the first five years of the term of his certificate.

(2) If possession is not taken as aforesaid, the occupation certificate shall be cancelled, and the land shall be forfeited with any improvements thereon:

Provided also that the residence of the wife or a parent of the selector, or a child of the selector of the age of over sixteen years, or other near relative approved by the Minister, may be accepted in lieu of the personal residence of the selector.

(3) The Governor may in special cases grant exemption from residence on condition of the selector effecting improvements to the satisfaction of the Minister to double the value of the improvements hereinafter required.

(4) The Minister may accept as a performance of the residence condition residence by the selector on any land held by him in fee simple or under conditional purchase lease within twenty miles of his homestead farm.

In case of illness and other valid reason absence allowed
Ibid. s. 68.

68. If the selector proves to the satisfaction of the Minister that he has been or is prevented by illness or some other valid reason from complying with the next preceding section, the Minister may, by writing under his hand, waive any forfeiture thereby incurred, or may grant the selector permission to absent himself from his homestead farm for such period and subject to such conditions of improvement as he may think fit, and, during the time mentioned in the permission the selector shall be deemed to be residing on his homestead farm.

Improvements before issue of Crown grant.
Ibid. s. 69.

69. (1) The selector shall—

(a) within two years from the date of his occupation certificate, expend a sum equal to not less than four shillings per acre of the total area of his homestead farm; and

(b) within five years from the same date, expend a sum equal, with the expenditure under paragraph (a), to not less than ten shillings per acre on the total area of his homestead farm; and

(c) within seven years from the same date, expend a sum equal, with the expenditure under paragraphs (a) and (b), to not less than fourteen shillings per acre on the total area of his homestead farm

in the erection of a habitable house and other prescribed improvements.

(2) The selector shall fence in at least one-half of the land during the first five years of the term and the whole thereof during the remainder of the term:

Provided that where a sheep-proof and cattle-proof exterior fence is erected, half the value of such fence shall be deemed to be part of the improvements required after the fourth year:

Provided also that where the lessee erects a rabbit or dog-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 part of the improvements:

Provided further that if the selector holds any land under conditional purchase lease adjoining his homestead farm, the several holdings may be deemed to be one holding in respect of the required fencing and other improvements, but the value of such improvements on the whole area shall not be less than required in respect of both holdings.

(3) In special cases, when the Minister is satisfied that from the nature or situation of the land or the composition of the soil, its cultivation or further improvement would be out of proportion to the probable returns, or otherwise impracticable, and not likely to result in profitable returns, the Governor may accept such lesser value of improvements as he may deem reasonable in any particular case.

70. If the selector fails or neglects to comply with, perform, or fulfil all or any of the conditions mentioned in the next preceding section, the homestead farm shall be forfeited, together with all improvements thereon; and the selector shall not be eligible to obtain another homestead farm, except in special cases in the discretion of the Minister.

Forfeiture for non-compliance with conditions.
Ibid., s. 70.

71. The selector may, with the approval in writing of the Minister, transfer his homestead farm to any person duly qualified to hold a homestead farm, or mortgage or encumber his interest therein to any person, but, save as aforesaid, every assignment, transfer, or mortgage of, and every agreement to assign, transfer, or mortgage any homestead farm or any part thereof or any interest therein made or entered into before the issue of the Crown grant shall be null and void, and the person so assigning, transferring, mortgaging, or making an agreement to assign, transfer, or mortgage, shall forfeit his homestead farm, and all his interest therein to the Crown, and shall not be permitted to make another application for a homestead farm.

Certain assignments before issue of Crown grants void.
Ibid. s. 71.

72. At the expiration of seven years from the date of his occupation certificate, or at any earlier time after the expiration of five years from such date, the selector (or in case of his death, his legal representative), upon proving to the satisfaction of the Minister that the residence and other conditions applicable to the homestead farm have been duly performed, and that the fencing and improvements have been duly effected, shall be entitled to a Crown grant upon payment of the prescribed fee.

When and on what conditions a Crown grant shall issue.
Ibid. s. 72.

73. Every selector who proves to the satisfaction of the Minister that he has resided on his homestead farm for twelve months from the date of his taking possession, and that he has made all the improvements required to entitle him to a Crown grant, may, at any time before the expiration of the seven years mentioned in the last preceding section, obtain a Crown grant by paying, in addition to the cost of survey and improvements, five shillings an acre for the land comprised in such farm, together with the prescribed grant fee.

Crown grants may be obtained after twelve months' residence on certain conditions.
Ibid. s. 73.

Applicant for homestead farm may apply for C.P. land. Ibid. s. 74.

74. The applicant for a homestead farm may at the time of making his application, or at any time thereafter, apply under Part V. of this Act, for such land as he may require in addition to his homestead farm, and in the event of his applying for land subject to residence as a condition, residence upon the homestead farm, if within twenty miles of the land applied for, shall be a sufficient compliance with the residence conditions for all purposes.

Improvements on land applied for and acquired under this Part to be paid for. Ibid. s. 75.

75. The fair value of any improvements existing on or affecting any land applied for under this Division of this Part of this Act, at the time when the application is made, or authorised and in course of construction by the Department, or intended to be so constructed, shall be determined by the Minister, and the value of such improvements, with interest thereon at the rate of five pounds per centum per annum shall be paid by the selector in half-yearly instalments extending over not exceeding seven years.

Power to cancel abandoned applications for homestead farms. Ibid. s. 76.

76. If at any time after the approval of an application for a homestead farm it appears to the Minister that the applicant has abandoned the holding, the Minister may by notice in writing, require the applicant to show cause why the application, and the occupation certificate, if issued, should not be cancelled; and unless within twenty-one days after the service of such notice or such further time as may be stated therein, the applicant shows cause to the contrary, the Minister may, by notice in the *Gazette,* cancel the application and the occupation certificate, if issued, and thereupon all the interest of the applicant, and any person claiming under him, in the holding, shall cease and determine.

Area of free homestead farms granted under a scheme of group settlement may be increased. Ibid. s. 77.

77. Where lands have, prior to the commencement of this Act been disposed of or are hereafter disposed of as free homestead farms under any scheme of group settlement, the Governor may, on the recommendation of the Minister, in respect of free homestead farms granted prior to the commencement of this Act, increase the area thereof by including therein such further area of land as the Minister may approve, and in respect of applications made after the commencement of this Act, grant free homestead farms having an area of such acreage in excess of one hundred and sixty acres as the Minister may approve.

This section applies to all Crown land, including land acquired under the Agricultural Lands Purchase Act, 1909, or under Part VIII. of this Act.

78. The Governor may, under the provisions of this Part of this Act, grant to any person who is one of a group of settlers on an area declared by the Governor by a notification in the *Gazette* to be a group settlement area under the Group Settlement Act, 1925, a parcel of Crown land within such area whether such land was acquired under the Agricultural Lands Purchase Act, 1909, or Part VIII. of this Act, or otherwise; and any parcel of land so granted may, if the Minister thinks fit, exceed one hundred and sixty acres.

Grants of holdings to group settlers.
Ibid. s. 78.

79. Section fifty-one of this Act shall apply to land acquired under this Division of this Part of this Act; and also the last paragraph of subsection (4) (f) of section forty-seven.

Application of section 52 (cost of survey) and ss. (4). (f) of s. 49.
Ibid. s. 79.

Division (3).—*Working Men's Blocks.*

80. (1) The Governor may, by notice in the *Gazette*, define and set apart any Crown lands or town or suburban lands held by the Crown in the South-West Division of the State, or any Crown lands or suburban lands held by the Crown within ten miles of a townsite, within any other Division of the State, for working men's blocks, and may, in like manner, declare any such land as open for selection as hereinafter provided, and may withdraw any such land from being so open.

Governor may set apart certain lands for working men's blocks.
Ibid. s. 80.

(2) Before any land is so declared open for selection, it shall be surveyed under the direction of the Minister, and divided into lots, each not exceeding half an acre in area within any goldfield, or five acres in area elsewhere, with proper roads and reserves for public purposes, and such lots shall be marked on the ground:

Provided that any town or suburban lands set apart and surveyed as aforesaid, but not selected as working men's blocks, may be disposed of for other purposes under this Act at the discretion of the Minister.

81. Every person not being already the holder of land within the State, for an estate of freehold, or under conditional purchase lease, and who does not hold a homestead farm, who is the head of a family, or a male

Certain persons entitled to leases of working men's blocks.
Ibid. s. 81.

who has attained the age of sixteen years may, subject to the approval of the Minister, obtain a lease of land set apart and defined as prescribed in the last preceding section, subject to the following conditions:—

Price.

(1) The price of the land shall be fixed by the Governor, but shall not be less than one pound an acre, payable half-yearly at the rate of one-tenth of the total purchase money per annum or sooner, as hereinafter prescribed.

Maximum area allowed.

(2) The maximum area held by one person shall be half an acre within any goldfield, or five acres elsewhere, and not more than one block shall be granted to or held by one person.

Application to be accompanied by deposit of rent.
15th Schedule.

(3) The application shall be in the form or to the effect of the Fifteenth Schedule, and the first instalment of purchase money, as prescribed by section one hundred and thirty-nine, shall accompany each application, and shall be returned if the application is not approved.

16th Schedule.

(4) On approval of the application, a lease in the form of the Sixteenth Schedule shall be issued for ten years, to date from the first day of the quarter next preceding the date of the approval of the application.

Residence.

(5) The lessee shall, within three months from the date of his lease, take, in his own person, possession of the land, and shall reside upon it and make it his usual home during at least nine months in each year for the first five years of the lease, and if possession be not taken as aforesaid, the land shall be forfeited: Provided that possession may be taken and the residence condition performed by the lessee's wife, or a member of his family.

Fencing and improvements.

(6) The lessee shall, within three years from the date of the commencement of his lease, fence in with a fence of such description as may be prescribed, the whole of the land on the surveyed boundaries, and within five years from the said date shall expend upon the land upon prescribed improvements in addition to the external fencing, an amount equal to double

the full purchase money: Provided that not more than one-half of the cost of any house erected thereon by the lessee may be included in the prescribed improvements: Provided, also, that the last paragraph of subsection (4) (f) of section forty-seven shall apply.

(7) At the expiration of the lease, or at any time after five years from the date of the commencement of the lease, provided that all the conditions of residence, fencing, and improvements have been complied with, and the said fencing and improvements maintained, and also that the full purchase money and fee have been paid, a Crown grant of the land shall issue. Application for the Crown grant shall be made in the form prescribed in the Seventeenth Schedule:

Conditions precedent to issue of Crown grant.

Provided that no person who has held and forfeited, transferred, or otherwise disposed of a working man's block, shall be eligible to obtain any other working man's block in the same district, except in the discretion of the Minister.

82. If the lessee of a working man's block proves to the satisfaction of the Minister that he has been or is prevented by illness or other valid reason, from performing or complying with the provisions of subsection (5) of the last preceding section, the Minister may, by writing under his hand, waive any forfeiture thereby incurred, or may grant the lessee written permission to absent himself from his block for such period as the Minister may think fit, and during the time mentioned in the permission the lessee shall be deemed to be residing on his block.

Minister may waive forfeiture for non-residence in case of illness, etc. Ibid. s. 82.

83. A lessee under this Division of this Part of this Act may, with the approval of the Minister, transfer his lease to any person duly qualified to hold such lease, and with like permission may mortgage the same, but except as aforesaid, every assignment, transfer, or mortgage of, and every agreement to assign, transfer, or mortgage any such lease or any part thereof, or any interest therein, made or entered into before the lessee

In certain cases leases may be transferred or mortgaged with Minister's approval. Ibid. s. 83.

is entitled to the Crown grant shall be null and void, and the person so assigning, transferring, mortgaging or making any agreement to assign, transfer, or mortgage shall forfeit his lease and all his estate, right, title, and interest therein to the Crown.

Division (4).—*Special Settlement Lands.*

Governor may declare lands open for selection as special settlement lands. Ibid. s. 84.

84. (1) The Governor may, by notice in the *Gazette*, define and set apart any Crown lands as Special Settlement lands, and may declare the same open for selection as such, and he may in like manner withdraw any land from being so open for selection.

(2) Prior to being declared open for selection, Special Settlement lands shall be surveyed into lots of such size and shape, and roads and ways shall be laid out thereon of such width and in such direction as the Minister may determine:

Survey may be dispensed with in certain cases.

Provided that the Governor may suspend the operation of so much of this section as requires the land to be surveyed before it is declared open for selection, and in such case the Minister shall cause a plan to be kept, on which shall be projected boundary lines showing the division of such lands into blocks of convenient sizes:

Provided also that the Minister may, at any time before granting a lease of or otherwise alienating any block, alter, extend, or adjust such boundary lines in any way that he may think fit.

Minister may improve lands within Special Settlement area. Ibid. s. 85, amended by No. 68 of 1948, s. 3.

85. (1) The Minister may carry out on land within a Special Settlement area such improvements, including clearing, drainage, fencing, sowing, provision of live stock and machinery, houses and buildings, and such other improvements, whether of the same or different kind as or from the foregoing, as he may think fit and either before or after the land is thrown open for selection.

(2) The fair value of any improvements existing on or affecting any land applied for within a Special Settlement area or authorised and in course of construction, or intended to be constructed, shall be determined by the Minister, and the price of any such land shall be increased by the value so determined of such improve-

ments, with interest thereon, or upon so much thereof as for the time being is unpaid, at the prescribed rate, to the intent that the price of the lands as increased by the value of such improvements, with interest thereon as aforesaid, shall be paid by the selector at such times and in such manner as the price of the land, if unimproved, would have been payable.

86. Any land within a Special Settlement area may be disposed of—

Conditions of selection of land within Special Settlement area.

No. 37 of 1933, s. 86, amended by No. 68 of 1948, s. 4.

(a) under the provisions of Division (1) of this Part of this Act, subject to the conditions contained in the last preceding section; or

(b) subject to the following conditions:—

(i) The selector shall enter into a contract in the prescribed form to forthwith grub and clear a portion specified in the contract of the lot he wishes to apply for, to ringbark the trees and cut down all scrub on the remainder of the lot, and to fence the same in for an agreed sum to be paid by the Minister as the work proceeds.

(ii) On the completion of such work in accordance with the contract and to the satisfaction of the Minister, the selector shall, within one month after the expiration of the period mentioned in his contract for the completion of the work, be entitled to apply for and have granted to him a lease of the land under section forty-seven of this Act at the price fixed as the selling price in the contract; or

(c) subject to such conditions, whether of the same or a different kind as or from those referred to in the preceding paragraphs of this section, as shall be specified by the Governor by notice in the *Gazette*.

87. The Governor may, if he thinks fit, declare any lands open to selection under Divisions (1) and (2) of this Part of this Act by any special class of selectors to the exclusion of all other persons.

Power to throw open land for special selection.

No. 37 of 1933, s. 87.

Group settlements.
Ibid. s. 88.

88. Land may be disposed of under Divisions (1) and (2) of this Part of this Act, without such land being declared open for selection, to applicants approved by the Minister under any scheme for group settlement.

Where land is disposed of under Division (2) of this Part of this Act pursuant to this section, or has been disposed of as free homestead farms under section five of the Land Act Amendment Act, 1922, the Governor may, on the recommendation of the Minister in every case, in respect of free homestead farms granted prior to the commencement of this Act, increase the area thereof by including therein such further area of land as the Minister may approve, and, in respect of applications made after the commencement of this Act, grant free homestead farms having an area of such amount in excess of one hundred and sixty acres as the Minister may approve.

Special settlement.
Ibid. s. 89.

89. The Minister may, with the approval of the Governor, enter into an agreement with any body of persons incorporated under the Associations Incorporation Act, 1895-1947, or other corporate body, whereby Crown land (including land acquired under Part VIII.) may be appropriated to the purposes of the development of such land under a scheme for the training of youths, and their settlement upon such lands, and the acquisition of holdings under the provisions of this Act, as modified by such regulations that may be expedient to give effect to this section.

Governor may set apart Farm Reconstruction Areas.
New section inserted by No. 35 of 1946, s. 4, and amended by No. 53 of 1948, s. 6.

89A. (1) The Governor may, by notice in the *Gazette*, define and set apart any Crown lands, including land acquired pursuant to the provisions of Part VIII. of this Act, as Farm Reconstruction Areas.

(2) Such lands so defined and set apart may, but without being declared open, be disposed of under such of the provisions of Divisions (1) and (2) of this Part (Part V.) or of Part VIII. of this Act as shall be applicable to applicants approved by the Minister and who—

(a) already hold adjacent land which is deemed by the Minister to be insufficient in area or quality to provide a reasonable living, or

(b) already hold or have held land in some other locality which has been found difficult or uneconomic to work, whether through its situation, area, quality, rainfall, or otherwise, and who are desirous of acquiring land in a Farm Reconstruction Area, and who, in the opinion of the Minister should accordingly be granted land in such an area.

Disposal of Farm Reconstruction Areas to Rural and Industries Bank.
New section inserted by No. 53 of 1948, s. 7.

89B. The Governor may dispose of any land which has been set apart as a Farm Reconstruction Area under the provisions of section eighty-nine A of this Act to the Commissioners of the Rural and Industries Bank of Western Australia, constituted pursuant to the provisions of the Rural and Industries Bank Act, 1944-1947, for an estate in fee simple, subject to payment of such price as would be charged were the land otherwise disposed of to a selector pursuant to the provisions of Part V. or Part VIII. of this Act.

PART VI.—PASTORAL LEASES.

Pastoral leases may be granted.
No. 37 of 1933, s. 90.

90. Any Crown lands within the State which are not withdrawn from selection for pastoral purposes, and which are not required to be reserved, may be leased for pastoral purposes at the rent, and subject to the conditions hereinafter prescribed.

Application.
Ibid., s. 91.

91. (1) Every application for a lease shall be made in the form of the Eighteenth Schedule hereto, and be accompanied by a deposit of an amount equal to the first instalment of the rent payable under section ninety-eight.

Lease.

(2) On approval of an application a lease shall be issued in the form of the Nineteenth Schedule.

Pastoral leases, South-West Division.
Ibid., s. 92.

92. Leases may be granted in the South-West Division, in blocks of not less than three thousand acres.

If the land is so shut in with other holdings as not to contain three thousand acres, a lease may be granted for such lesser quantity.

Pastoral leases, Eucla Division. Ibid., s. 93.

93. Leases may be granted in the Eucla Division, in blocks of not less than twenty thousand acres.

If the land is so shut in by other holdings as not to contain twenty thousand acres, a lease may be granted for such lesser quantity.

Pastoral leases, North-West Division. Ibid., s. 94.

94. Leases may be granted in the North-West Division, in blocks of not less than twenty thousand acres.

If the land is so shut in by other holdings as not to contain twenty thousand acres, a lease may be granted for such lesser quantity.

Pastoral leases, Eastern Division. Ibid., s. 95.

95. Leases may be granted in the Eastern Division in blocks of not less than twenty thousand acres.

If the land is so shut in by other holdings as not to contain twenty thousand acres, a lease may be granted for such lesser quantity.

Pastoral leases, Kimberley Division. Ibid., s. 96.

96. (1) Leases may be granted in the Kimberley Division, in blocks of not less than fifty thousand acres when on a frontage, nor less than twenty thousand acres when no part of the boundary is on a frontage.

If the land is so shut in by other holdings as not to contain fifty thousand acres on a frontage, nor twenty thousand acres when no part of the boundary is on a frontage, a lease may be granted for such lesser quantity.

Frontage blocks.

(2) The Minister may, for special reasons, authorise the issue of a lease for a frontage block of less extent than fifty thousand acres.

(3) A "frontage block" is a block that has its lesser boundary on a lake, river, or main stream, or other water channel, or on an estuary, or the sea-shore. Its boundaries shall be rectangular, so far as the quantity and shape of the land will allow, and its mean depth shall not be less than three times its mean breadth.

97. (1) The position of pastoral leases and the arrangement of boundary lines shall be subject to the approval of the Minister; and any description furnished by an applicant shall be full and particular, and shall refer to some fixed point or object which can be recognised by the department

Position and boundaries of leases. Ibid., s. 97. Amended by No. 47 of 1934, s. 10.

(2) The Minister shall not be responsible for any errors in descriptions so furnished; but any erroneous description may be rectified, if practicable, on an approved application, in such a manner as not to disturb the boundaries of any lease previously granted.

(3) Subject to the boundaries of any lease previously granted, the boundaries or position of any lease may be amended at the lessee's request, irrespective of any error, on payment of the prescribed fee.

(4) If on an application to rectify or alter the boundaries of a lease it is impracticable to do so in such manner as not to disturb the boundaries of another lease, and improvements were made by the applicant or his predecessor in title on land comprised in such other lease in the belief that such land was within the boundaries of the applicant's lease, the Minister may adjust the boundaries of the leases so as to exclude the land on which such improvements were made from the lease thereof and include such land in the applicant's lease, unless the lessee is willing and agrees to pay to the applicant the value of such improvements to be ascertained, if not agreed upon, in the manner prescribed by section one hundred and eleven, which *mutatis mutandis* shall apply.

(5) When any reserve, road, or stock route comprising land within or adjoining the boundaries of a pastoral lease is—

(i) found on survey or otherwise to be incorrectly shown in the plan on the pastoral lease in relation to the boundaries of any such land; or

(ii) cancelled or closed, as the case may be, as regards such land or the position thereof is altered in such a way as to affect the boundaries of the pastoral lease, the Minister may direct—

in case (i) that the said plan be corrected;
in case (ii) that the said lands be added to

the area of the pastoral lease, or that the boundaries be amended to conform to such alteration in position and that the rent be adjusted accordingly.

(6) The Minister shall give notice to the Registrar of Titles of any amendment made under this section to the boundaries (and area and rental, if altered) of a Crown lease registered under the Transfer of Land Act, 1893-1946, and its amendments, and such notice shall be accompanied by a plan, certified by the Surveyor General, showing the original and amended boundaries, and the Registrar, on receipt of such notice and plan, shall amend the original and duplicate lease in accordance therewith.

(7) If any pastoral lease amended under this section is subject to any encumbrance, then, by force of this Act, such encumbrance shall be deemed to attach to the land included in the boundaries of the pastoral lease as amended as if such land had been the subject of the lease at the date of such encumbrance.

Term and rent.
No. 37 of 1933, s. 98.
Amended by No. 20 of 1938, s. 2.

98. (1) Crown land open for selection for pastoral purposes may be leased for a term expiring on the thirty-first day of December, one thousand nine hundred and eighty-two at an annual rent to be determined by the Minister, acting on the advice of a Board of Appraisers consisting of the Surveyor General and two members to be appointed by the Governor.

(2) The Surveyor General shall be chairman of the Board, and two members, inclusive of the chairman, shall constitute a quorum.

(3) The advice tendered by the Board shall be based on the pastoral capabilities of the land, its distance from a port or railway, or other circumstances affecting its value for pastoral purposes:

Provided that such rent shall not exceed ten shillings per thousand acres during the first five years of the term of the lease, unless the Minister, on the advice of the Board, otherwise directs:

Provided also that such 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, 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 that, in the case of applications for pastoral leases made after the commencement* of this proviso and approved, no rent shall be payable by the lessee during the first five years of the term of the pastoral lease so approved, but subject thereto the provisions of this section shall apply.

(4) Subject to the third proviso to subsection (3) of this section, the rent of land applied for before the rent is determined as aforesaid shall, if the application is approved before such determination, be at the following interim rates, namely:—

South-West Division—One pound per annum per one thousand acres or portion thereof;

Eucla Division—Three shillings per annum per one thousand acres or portion thereof;

North-West Division—Ten shillings per annum per thousand acres or portion thereof;

Eastern Division—Five shillings per annum per thousand acres or portion thereof;

Kimberley Division—Ten shillings per thousand acres or portion thereof:

But when the rent is so determined it shall be adjusted accordingly from the commencement of the lease.

(5) On every periodical re-assessment of the rent of a pastoral lease, 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. 1932 No. 44. s. 2.

98A. (1) The Board of Appraisers appointed under section ninety-eight of this Act may, in manner prescribed, call and examine witnesses on oath, and such oath may be administered by any member of the Board. **Board of Appraisers may call and examine witnesses on oath.** New section inserted by No. 35 of 1946, s. 5.

* Namely 22nd December, 1938.

(2) The Board may, for the purpose of considering any application by a lessee for a review of the determination or re-assessment of the rental determined or re-assessed for any pastoral lease, or, for the purpose of considering any application by a lessee for relief from payment of rent on any pastoral lease—

(a) require the lessee, or his agent, to submit such evidence as the Board deems necessary, and including information contained in the audited or otherwise duly authenticated books of account, and any other records of the operations and transactions relevant to all or any of the lessee's leases;

(b) require the lessee, or his agent, to verify such evidence by statutory declaration;

(c) require the lessee, or his agent, to attend at a meeting or meetings of the Board to be examined on oath and, if further required, produce for inspection by the Board such said books of accounts and records.

Review of assessment of rent. No. 37 of 1933, s. 99.

99. (1) Any lessee whose application was made and approved under subsection (4) of the last preceding section 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.

(2) 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.

(3) 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.

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

Review of re-assessment. Ibid., s. 100.

(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.

(3) This section shall apply to leases which are surrendered under the provisions of section one hundred and fourteen: Provided that in the case of such surrendered leases the lessee shall, on lodging his appeal, pay such fee as may be prescribed.

101. (1) (a) As from the first day of January, one thousand nine hundred and thirty-two, the rent payable at the commencement of the Land Act Amendment Act, 1931, for and in respect of pastoral leases situated in the Kimberley Division and devoted primarily to raising sheep, and also for and in respect of pastoral leases situated in the North-West, South-West, Eastern and Eucla Divisions, shall be adjusted annually on the first day of July in each year on the basis of the average price of greasy wool produced in Western Australia for the season ending on the next preceding thirtieth day of June as declared by the Government Statistician, so that, as and whenever the said average price for any such season is less than one shilling per pound avoirdupois, the rent payable for the year following such season shall be the rental payable at the commencement of the Land Act Amendment Act, 1931, reduced by amounts computed at the rate of six per cent. thereof for each one penny and a proportionate part of such rate for any fraction of one penny by which the average price of greasy wool aforesaid is less than one shilling per pound avoirdupois, and so that, as and whenever the said average price of greasy wool aforesaid for any such season exceeds one shilling per pound avoirdupois, the rent payable for the year following such season shall be the rent payable at the commencement of the Land Act Amendment Act, 1931, increased by amounts com-

Adjustment and appraisement of rents of pastoral leases granted before the commencement of this Act. Ibid., s. 101.

puted at the rate of six per cent. thereof for each one penny and a proportionate part of such rate for any fraction of one penny by which the said average price exceeds one shilling per pound avoirdupois:

Provided that—

(i) in no case shall the aggregate reductions or increases of rent in any year made under this paragraph exceed an amount equal to thirty per cent. of the rent payable at the commencement of the Land Act Amendment Act, 1931;

(ii) for the purposes of adjusting the rent under this paragraph for the portion of the current year between the first day of January, one thousand nine hundred and thirty-two and the thirtieth day of June, one thousand nine hundred and thirty-two, such adjustment shall be made on the basis of the average price of greasy wool produced in Western Australia as declared by the Government Statistician for the season ending the thirtieth day of June, one thousand nine hundred and thirty-one;

(iii) this paragraph shall operate only until the rent payable at the commencement of the Land Act Amendment Act, 1931, is re-assessed as hereinafter mentioned.

(b) The rents payable at the commencement of the Land Act Amendment Act, 1931, for and in respect of all pastoral leases situated in the Kimberley Division shall (unless a re-assessment has been made under paragraph (c) of subsection (1) of section two of that Act) be re-assessed as on the first day of April, one thousand nine hundred and thirty-three, and the provisions of subsections (1), (2) and (3) of section ninety-eight shall, *mutatis mutandis,* apply to such re-assessment, and the rents payable shall be determined accordingly.

(c) The rents payable at the commencement of the Land Act Amendment Act, 1931, for and in respect of all pastoral leases situated in the North-West, South-

West, Eastern, and Eucla Divisions shall be re-appraised forthwith on the expiration of the period of ten years from and including the first day of January, one thousand nine hundred and thirty-two, and not before, and the provisions of subsections (1), (2) and (3) of section ninety-eight shall, *mutatis mutandis,* then apply to such re-assessment, and the rent shall be so determined, and be payable accordingly, until the expiration of the term of the lease in each and every case.

(2) In the case of pastoral leases approved after the commencement of the Land Act Amendment Act, 1931, and before the commencement of this Act, the rent to be reserved by any such lease shall be ascertained in accordance with the provisions relating thereto of the Land Act, 1898, as amended prior to and without reference to the Land Act Amendment Act, 1931.

Minister may grant relief from payment of rent in certain cases.

New section inserted by No. 4 of 1936, s. 2; amended by No. 39 of 1937, s. 3, and by No. 20 of 1938, s. 3. The whole repealed and a new section inserted by No. 36 of 1939, s. 12.

101A. (1) Where the lessee proves that in any year ending the thirty-first day of December—

(a) he has suffered serious loss of stock on any pastoral lease through drought, cyclone, or flood; or

(b) through drought he has been unable to stock any pastoral lease to the extent to which such lease might except for such drought have been stocked, and thereby has suffered serious loss; or

(c) his wool production in respect of stock on any pastoral lease has been adversely affected by drought, cyclone or flood,

the Minister may grant the lessee relief from payment of rent payable under such pastoral lease in respect of that year: Provided that no such relief shall be granted, except on the recommendation of the Board of Appraisers appointed under section ninety-eight of this Act.

(2) The relief granted under this section may be total or partial and may take the form of extended terms for the payment of the rent payable under the pastoral lease.

Minister may extend relief from payment of rent in certain cases.
New section inserted by No. 35 of 1946, s. 6.

101B. The Minister may, on the recommendation of the Board of Appraisers appointed under section ninety-eight of this Act, grant to any lessee relief from payment of rent in addition to such relief as may have been granted under the provisions of section one hundred and one A of this Act, for a further period not exceeding two years after the end of a drought, notwithstanding that in such period no loss of stock may have been suffered by the lessee or that the rainfall may have been above the average for the district in which the lease is situated.

Improvement conditions.
No. 37 of 1933, s. 102.

102. Every pastoral lease shall be granted, and every pastoral lease granted before the commencement of this Act, shall continue to be held, on condition that improvements within the meaning of section one hundred and forty of this Act 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.

Penalty for non-stocking.
Ibid., s. 103.

103. Any pastoral lease, or group of adjoining pastoral leases owned and worked as one station, shall be liable to forfeiture if such lease, or group of leases, is not stocked and kept stocked as follows, namely:—

Within two years from the commencement of the lease, at the rate of ten head of sheep or two head of large stock for each thousand acres of the area leased.

Within five years from the commencement of the lease, and until the expiration of the first seven years of the term, at the rate of twenty head of sheep or four head of large stock for every thousand acres of the area leased.

During the remainder of the term of the lease at the rate of thirty head of sheep or six head of large stock for each thousand acres of the area leased.

104. When any portion of land held under pastoral lease is transferred or surrendered, the rent for the land transferred and retained shall be subject to re-appraisement:

Re-appraisement of pastoral leases on transfer, etc., of portion. Ibid., s. 104.

Provided that the annual rents to be reserved and paid in respect of the excised land and the land retained by the lessee on any such re-appraisement shall be so fixed and apportioned as to produce in the aggregate an annual rent not exceeding the rent previously payable under the lease.

105. A pastoral lease shall give no right to the soil, or to the timber, except to such timber as may be required for domestic purposes, for the construction of buildings, fences, stockyards, or other improvements on the lands so occupied.

Pastoral tenants have no right to soil or timber. Ibid., s. 105.

106. (1) The right is reserved to the Minister—

Reservations. Ibid., s. 106. Amended by No. 47 of 1934, s. 11, and by No. 36 of 1939, s. 13.

(a) to lay out, declare open, and make, either permanently or for temporary use, public roads through any land held under pastoral lease;

(b) to take away any indigenous produce, rock, soil, or other material which may be required for public purposes, from any such land;

(c) to issue licenses to any persons to quarry, dig for, and cart away any rock, soil, or other material being upon any such land;

(d) to sell, lease, or otherwise dispose of any mineral land comprised within the limits of any pastoral lease;

(e) to sell, lease, or otherwise dispose of any other portion of such lease, subject to the provisions of this Act, at any time, and with a right of immediate entry, but subject to sections one hundred and nine A and one hundred and nine B of this Act; and

(f) to depasture any horses or cattle in the employ of the Government while working on or passing over the said land, and to water them at any natural sources there, together with a right for any person to pass over any such land which may be unenclosed, or enclosed but otherwise unimproved, with or without horses, stock, or vehicles, on all necessary occasions.

(2) The aboriginal natives may at all times enter upon any unenclosed and unimproved parts of the land the subject of a pastoral lease to seek their sustenance in their accustomed manner.

Permission to ring-bark, and penalty for unauthorised ring-barking by lessee. No. 37 of 1933, s. 107.

107. (1) A pastoral lessee desiring to ring-bark trees upon the demised land shall first obtain permission to do so from the Minister, and in his application shall describe the boundaries and area of the land upon which he proposes to ring-bark, and the Minister may, in his discretion, refuse or grant permission for the same after such inquiry and upon such conditions as to him may seem necessary.

(2) And any lessee who without such permission ring-barks trees on the demised land, or causes or knowingly permits or suffers the same to be done, shall render his lease liable to forfeiture.

(3) Any ring-barking done in accordance with the permission of the Minister shall be deemed to be an improvement in respect of which the lessee shall be entitled to compensation under the provisions of this Act: Provided that the value of ring-barking as an improvement under this Act shall in no case be estimated to exceed the sum of two shillings and sixpence an acre.

108. [Repealed by No. 36 of 1939, s. 14.]

Power to resume land from pastoral leases for agricultural settlement. Ibid., s. 109.

109. Subject as hereinafter provided, the Governor may resume, enter upon, and dispose of the whole or any part of the land comprised in any pastoral lease, for agricultural or horticultural settlement, or for mining, or any other purpose as in the public interest he may think fit.

109A. (1) Before any land in any Division held under pastoral lease is resumed and withdrawn from any such lease for the purpose of being declared open for selection under Part V. of this Act, the Minister shall give notice to the lessee and also to every encumbrancer (if any) of the lease, of the intention so to do.

Notice to be given to pastoral lessees before land is withdrawn from lease.
New section inserted by No. 36 of 1939, s. 15.

(2) Such notice shall include a description of the land intended to be resumed and withdrawn from the pastoral lease and also shall contain an intimation of the rights of the lessee under section fifty-five or section fifty-six, as the case may be, of this Act, unless such rights are expressly negatived by the Governor when he decides upon the said resumption and withdrawal of the land from the pastoral lease, in exercise of his power under section one hundred and nine of this Act.

(3) The lessee may, unless his rights under section fifty-five or section fifty-six of this Act have been expressly negatived as aforesaid, within a period of three months from the date of the notice given to him as provided in subsection (2) hereof, if the land is situate in the South-West Division, or within a period of twelve months from the said date, if the land is situate in any other Division, exercise the rights provided for him under the said section fifty-five or the said section fifty-six, as the case may be.

(4) Where it is proposed to resume and withdraw any land from a pastoral lease which is situate in any Division other than the South-West Division, a description of such land shall be laid before both Houses of Parliament at least thirty days before such resumption and withdrawal is effected.

(5) After the expiration of the said period of three months or of twelve months, as the case may be, mentioned in subsection (3) hereof, the pastoral lessee and every encumbrancer (if any) of the pastoral lease shall cease to have any right in or claim to the land in respect of which notice of resumption and withdrawal has been given as aforesaid.

(6) If any land so resumed and withdrawn from a pastoral lease subsequently remains unselected under Part V. of this Act, the Minister may grant to the former pastoral lessee thereof, or to any other person, a license

to depasture stock thereon, or on any specified portion thereof, for such term, at such rent or charge, and upon and subject to such conditions as the Minister may determine.

(7) Subject as hereinafter provided, where land resumed and withdrawn from a pastoral lease and thereafter applied for under conditions of conditional purchase or otherwise under Part V. of this Act subsequently becomes forfeited for non-payment of rent or purchase money, or for any other reason, such land shall revert to the Crown and again become Crown land:

Provided that in such case—

(i) if the land so reverting to the Crown is not required for any public purpose, the Minister may order or direct that such land or any specified portion thereof shall, on payment by the former pastoral lessee thereof of the sum which would be due as rent under the former pastoral lease thereof for the then current half year, if the said pastoral lease had continued unaffected, be restored to and again become part of the said pastoral lease as if it had not been resumed or withdrawn therefrom; and

(ii) if the former pastoral lease was totally extinguished by the resumption and withdrawal therefrom of the whole of the land comprised therein, and the former pastoral lessee thereof requires only a portion of the land resumed and withdrawn as aforesaid to be restored to him as provided for in paragraph (i) of this proviso, such portion shall be selected by such pastoral lessee as a new pastoral lease, but, subject thereto, shall be so selected and be held upon and subject to the conditions of the former pastoral lease and as though such new pastoral lease had commenced to operate on the same date as that upon which the former pastoral lease had commenced to operate.

(8) (a) Upon the expiration of the notice of resumption and withdrawal of land from a pastoral lease given to the pastoral lessee thereof, and upon the restoration to a pastoral lease of any land previously resumed and

withdrawn therefrom, the Minister shall give notice of such resumption and withdrawal or of such restoration, as the case may be, to the Registrar of Titles when the said pastoral lease has been registered as a Crown lease under the provisions of the Transfer of Land Act, 1893-1946, and in such notice shall inform the said Registrar of any consequential amendments of boundaries, and of area, and of rental affecting such Crown lease. The said notice shall also be accompanied by a plan certified by the Surveyor General showing the original and amended boundaries.

(b) Upon receipt of the notice and plan mentioned in paragraph (a) hereof, the Registrar of Titles shall amend the Crown lease to which such notice and plan relate in accordance therewith.

Provided that, if the pastoral lease shall have been totally extinguished by reason of the resumption and withdrawal therefrom of the whole of the land comprised therein, the said Registrar shall make an entry in the Register of Crown Leases kept by him accordingly.

Notice to be given to pastoral lessees where land declared open for selection before withdrawal from pastoral lease.

New section inserted by No. 36 of 1939, s. 15.

109B. (1) If any land within any pastoral lease in any Division is declared open for selection under Part V. of this Act without having been first resumed and withdrawn from such pastoral lease, the following provisions shall apply:—

(a) Upon the receipt of an application under Part V. of this Act for the whole or any portion of such land, the Minister shall give notice of such application to the pastoral lessee and to every encumbrancer (if any) of the pastoral lease affected by such application.

(b) Such notice shall include a description of the land applied for, and also shall contain an intimation of the rights of the pastoral lessee under section fifty-five or section fifty-six, as the case may be, of the Act; and the lessee may, within a period of three months from the date of such notice, if the land is situate within the South-West Division, or within a period of twelve months from the said date,

if the land is situate within any other Division, exercise the rights provided for him under the said section fifty-five or the said section fifty-six, as the case may be.

(c) If, upon the expiration of the period of three months or of the period of twelve months, as the case may be, mentioned in paragraph (b) hereof, the pastoral lessee has not exercised the rights provided for him under section fifty-five or section fifty-six of this Act, in respect of the land applied for as aforesaid, the Minister shall give to the pastoral lessee and to every encumbrancer (if any) of the pastoral lease affected, notice of intention to withdraw the said land from the pastoral lease, and thereafter the provisions of section one hundred and eleven of this Act shall apply.

(d) Upon the happening of any one of the following events, that is to say:—

(i) The receipt by the Minister of a notification from the pastoral lessee that he does not claim compensation in respect of land selected from his pastoral lease as hereinbefore mentioned; or

(ii) the expiration of the period of sixty days mentioned in paragraph (1) of section one hundred and eleven of this Act and the non-receipt by the Minister of any claim for compensation from the pastoral lessee; or

(iii) the receipt by the Minister from the selector of the land under Part V. aforesaid for transmission to the pastoral lessee of the amount by way of compensation which the selector and the pastoral lessee have agreed upon in satisfaction of the claim for compensation made by the pastoral lessee; or

(iv) the receipt by the referee from the selector aforesaid of the amount of compensation determined by the referee as provided for in paragraph (4) of section one hundred and eleven of this Act,

the Minister may proceed to approve of the application under Part V. of this Act made by the said selector.

(2) Upon approval by the Minister of the application under Part V. aforesaid, the land in respect whereof the application has been so approved, shall, by virtue of such approval, forthwith be withdrawn from the pastoral lease in which it is comprised, and the right or interest of the pastoral lessee, and also of every encumbrancer (if any) in such land, shall cease absolutely.

(3) (a) The Minister shall give notice to the Registrar of Titles of any approval by him of any application under Part V. of the Act referred to in this section, and in such notice inform him of the consequential amendment of boundaries and of area and of rental where the pastoral lease affected by such application is registered as a Crown lease under the Transfer of Land Act, 1893-1946. Such notice shall be accompanied by a plan certified by the Surveyor General showing the original and amended boundaries.

(b) Upon receipt of the notice and plan mentioned in paragraph (a) hereof, the Registrar of Titles shall amend the Crown lease to which such notice and plan relate in accordance therewith: Provided that, if the pastoral lease shall have been totally extinguished by reason of the selection under Part V. of the Act of the whole of the land comprised therein, the said Registrar shall make an entry in the Register of Crown Leases kept by him accordingly.

(4) (a) If the applicant under Part V. aforesaid for land in a pastoral lease fails to pay to the pastoral lessee compensation in accordance with the provisions of section one hundred and eleven of this Act within the time limited by that section, the application made by such applicant shall lapse.

(b) Where an application under Part V. aforesaid has lapsed as provided for in paragraph (a) hereof, or if such an application is withdrawn by the applicant or is cancelled for any reason whatsoever, the land to which such application relates shall in any such case remain in the pastoral lease in which it is comprised, and the right or interest of the pastoral lessee, and also of every encumbrancer (if any) in such land shall continue and be unaffected by the notice which had been previously served upon him as required by this section.

(5) Where any land held under pastoral lease has been applied for under Part V. of the Act, and such application has been approved and thereafter such land is forfeited for non-payment of rent or purchase money, or by reason of any other default by the selector, the provisions of subsections (6) and (7) of section one hundred and nine A of this Act shall apply, and for such purpose the said subsections shall be deemed to be incorporated in and to form part of this section.

Payment for improvements in certain cases.
No. 37 of 1933, s. 110.

110. (1) On the expiration by effluxion of time of any pastoral lease not open to renewal on the same or any other conditions to the same lessee, or upon any pastoral lessee being deprived of the use of any land held under a pastoral lease by resumption, the lessee shall, subject to the provisions of this Act, receive from the Minister the fair value of all lawful improvements then on the land of which the lessee has been deprived, or which being outside such land and comprised in such pastoral lease have become lessened in value by reason of such deprivation.

(2) If a pastoral lease be renewed to a succeeding lessee, the previous lessee shall be entitled to receive from the succeeding lessee, in lieu of such compensation, the fair value of all such improvements existing on the land.

(3) The amount of compensation to be paid to a lessee by the Minister or a succeeding lessee for improvements shall be determined in the manner prescribed in the next following section of this Act, as if the Minister or the succeeding lessee were a selector.

Method of determining the value of improvements.
Ibid., s. 111.

111. The holder of a pastoral lease shall be entitled to claim from any person who under this Act selects the whole or any portion of his land, the fair value of all lawful improvements then existing on the land of which the lessee has been deprived or which, being outside such land but comprised within the lease, have been rendered valueless or reduced in value by reason of such deprivation. The value of such improvements shall be determined, as follows:—

(1) The Minister shall give notice to the pastoral lessee when any land within his lease is resumed or selected as above mentioned, and shall require the lessee, within sixty days of the date of such notice, to furnish him with a full and complete statement of the improvements (if any) for which the lessee claims compensation, and the amount claimed in respect of each such improvement; and the Minister shall, by the same notice, require the lessee within the same period to nominate himself or some person as his agent to appear and support his claim before a referee: Provided that where land is resumed or selected prior to survey, the said period of sixty days shall commence to run from the date the pastoral lessee is informed that the land has been surveyed instead of from the date of the notice.

(2) On receiving such statement and nomination from the lessee, the Minister shall forward a copy of the same to the selector, and shall require him within sixty days from the despatch of such notice, either to forward to the Minister the amount claimed by the pastoral lessee or, if he intends to dispute the claim, to nominate himself or some other person as his agent to support his opposition thereto before a referee.

(3) In the event of the selector disputing the claim, the Minister shall forthwith nominate the Resident Magistrate of the district in which the land is situated, or such other officer or disinterested person as the Minister may think fit, to act as referee for the purpose of

assessing the amount of compensation, and the person so nominated shall fix a time and place where the respective parties or their agents are to appear before the referee.

(4) The referee shall, after hearing the parties or their agents, decide upon the amount to be paid; and the decision arrived at by him shall be final. The referee may adjourn the hearing if he thinks fit, and in such case shall notify the parties or their agents accordingly. The amount fixed shall within sixty days be paid to the referee, who shall pay it to the lessee and forward the receipt of the lessee for the money to the Minister.

(5) If either of the parties or his agent fails to attend, the case shall be heard and decided by the referee after hearing the party or his agent attending, and in the event of neither party attending, the claim for improvements shall be considered as withdrawn.

(6) The referee shall have power to award such costs as in his opinion shall be deemed sufficient; not, however, exceeding in any case fifty pounds: Provided that unless the award is at least seventy-five per centum of the amount claimed, no costs shall be awarded to the pastoral lessee or any person claiming under him.

(7) Nothing herein contained shall prevent any pastoral lessee from removing, with the Minister's permission, any improvements which, in the opinion of the Minister, are capable of removal without permanently deteriorating the value of the land on which they are, if such removal is carried out prior to the appointment of the referee.

In all cases where the compensation for improvements is payable by the Minister, unless otherwise agreed between the Minister and the pastoral lessee, the Resident Magistrate of the district in which the land is situated shall be the refereee, but in other respects the above provisions shall apply, and in construing this section the Minister or a succeeding lessee shall be deemed the selector.

112. [Repealed by No. 36 of 1939, s. 16.]

113. (1) The maximum area held under pastoral lease by one person, or by two or more persons jointly, or by any association of persons incorporated or unincorporated, shall not exceed one million acres; and the Governor may, in specified districts or localities, fix the maximum area to be held as aforesaid at less than one million acres.

Maximum area. Ibid., s. 113. Amended by No. 36 of 1939, s. 18.

(2) No person shall become beneficially interested in any lease of pastoral land to an extent whereby the aggregate area of pastoral land in which such person is beneficially interested would exceed one million acres.

(2a) Notwithstanding anything to the contrary contained in subsection (1) or subsection (2) of this section, no person shall at the same time hold a lease of pastoral land as lessee or sublessee or transferee from the lessee, and also be beneficially interested (other than as lessee, or sublessee, or transferee from the lessee) in a lease of pastoral land in excess of a maximum aggregate area of one million acres.

(3) If any person acquires or becomes beneficially interested in a lease of pastoral land whereby the aggregate area of the pastoral land which he has acquired, or the aggregate area of the pastoral land in which he is beneficially interested, or the total of the aggregate area of the pastoral land which he has acquired and of the aggregate area of pastoral land in which he is beneficially interested when added together, as the case may be, exceeds one million acres, whether such person acquired the lease of, or became beneficially interested in the lease of any of such pastoral land before or after the commencement of this Act, and such person continues to hold or to be beneficially interested, either one or the other or both, in pastoral land in excess of such million acres, he shall forfeit and pay to the Crown a sum of five pounds for every day or part of a day during which he so continues to hold or be beneficially interested in such pastoral land.

(4) If any leaseholder is also beneficially interested in an area of pastoral land so that the area of his leasehold and the area of the pastoral land in which he is beneficially interested as aforesaid taken together exceed one million acres contrary to subsection (2a) of this section,

or if the leasehold of a leaseholder is worked in association with other holdings so that the area of the leasehold and the area of such other holdings taken together exceed one million acres, both the lease which he holds as leaseholder and the lease or leases in which he is beneficially interested shall be liable to forfeiture.

(5) If any area of pastoral land is worked in association with another area of pastoral land in all respects as one separate and distinct station, and the total of such areas so worked in association exceeds one million acres, every person who is the holder of or has any beneficial interest in either of the areas of pastoral land aforesaid shall forfeit and pay to the Crown a sum of five pounds for every day or part of a day during which such working of the said areas continues.

(6) Any person being the lessee of or having any share or interest in pastoral land may be required by the Minister at any time to make a statutory declaration that his beneficial interest in pastoral land does not exceed the maximum area that he may lawfully hold or acquire.

In the case of an incorporated company, such declaration may be made by any director or the secretary or attorney of such company.

If any person refuses or, after the expiration of one month from being so required, neglects to make such declaration, such person shall be guilty of an offence.

Penalty—One hundred pounds.

(7) No person shall be registered in the Office of Titles or in the Department of Lands and Surveys as transferee or sublessee of any pastoral land if the area thereof when added to the area of any other pastoral land which such person already holds and to the area of any other pastoral land in which he is already beneficially interested would cause the total of all such areas to exceed one million acres.

(8) For the purpose of calculating the area of pastoral land that a person may acquire or in which a person may become beneficially interested—

(a) where several persons hold pastoral land, jointly or in common, each person shall be deemed to hold an acreage equal to his undivided share; and

(b) a shareholder in an incorporated company holding or beneficially interested in pastoral land shall be deemed to be beneficially interested in such land, but to the extent only of an acreage proportionate to his interest in the paid-up share capital of the company:

Provided that this subsection shall not apply to pastoral land held by any incorporated bank or other company as mortgagee or after foreclosure unless the sole or principal object of the company, under its memorandum of association, is to carry on the business of a pastoralist.

(9) This section—

(a) shall not apply to an executor, administrator, or trustee in respect of any pastoral land held in that capacity, except to such extent (if any) as such executor, administrator, or trustee is beneficially interested; and

(b) shall not have effect in respect of any pastoral land acquired by a person as next-of-kin or legatee of a deceased person, or by right of survivorship, until the expiration of one year from the date of such acquisition, or such further time as the Minister may deem necessary to enable such person to dispose of his pastoral land in excess of the area that may be lawfully acquired.

(10) A mortgagee shall not be deemed to be beneficially interested in the mortgaged land unless—

(a) the mortgagee is in possession and has been in possession for upwards of two years; or

(b) the mortgage is foreclosed.

Provided that a mortgagee, with the consent in writing of the Minister, may continue in possession or may hold the mortgaged land after foreclosure, for such period and subject to such conditions as the Minister may think fit, and during such period shall not be deemed to be beneficially interested in the land for the purpose and within the meaning of this section.

(11) (a) Notwithstanding anything to the contrary contained in this section, any person who at the commencement of this subsection has consistently with the

provisions of this Act as in force prior to the commencement of this subsection, already acquired, or become beneficially interested in (either one or the other or both) an aggregate area of pastoral land in excess of one million acres, may continue to hold or be beneficially interested in such area of pastoral land, but shall not be entitled to acquire or become beneficially interested in any other pastoral land until his holdings of and beneficial interest in pastoral land as at the commencement of this subsection have been so reduced as to entitle him in accordance with subsection (2a) of this section to acquire or become beneficially interested in other pastoral land.

(b) Where any person referred to in paragraph (a) hereof acquires or becomes beneficially interested in pastoral land contrary to the provisions of the said paragraph (a), such person shall forfeit and pay to the Crown a sum of five pounds for every day or part of a day during which he continues so to contravene the provisions of paragraph (a) hereof.

Lessee under Act of 1917 may surrender lease and apply for a new lease. No. 37 of 1933, s. 114.

Amended by No. 36 of 1939, s. 18.

114. (1) Any lessee holding a pastoral lease granted under any previous Act for a term expiring on the thirty-first day of December, one thousand nine hundred and forty-eight, may at any time apply for a grant to him in lieu of such lease of a new lease under this part of this Act; provided that if the lease is subject to any registered mortgage or to any other encumbrance within the meaning of that term in section four of the Transfer of Land Act, 1893-1946, the consent of the mortgagee or encumbrancer shall be necessary on such application.

Provided further that, notwithstanding anything to the contrary contained in this Act, a new lease granted under this section in lieu of a previous lease surrendered after the commencement of this proviso shall not entitle the lessee of such new lease to or confer on him any rights, privileges, or concessions greater than, or in excess of, or different from those to which he would have been entitled or which would have been conferred upon him, if such new lease had been applied for by him within one year from the commencement of this Act, and such new lease had been granted to him under and in accordance with the provisions of this Act as in force one year from the commencement of this Act.

(2) If the application is approved—

(a) the Minister shall forward notice in writing to the applicant and serve notice of such approval on the Registrar of Titles.

Subject to the payment of such fees as may be prescribed in connection with such application on the approval of the application and after service of such notice on the Registrar the said lease shall by force of this Act be surrendered to the Crown, and the Registrar of Titles shall endorse the lease in the register book accordingly.

A new lease under this part of this Act shall thereupon be granted to the lessee and forwarded to the Registrar of Titles, who shall endorse thereon a note of all registered mortgages and encumbrances within the meaning of that term as defined by section four of the Transfer of Land Act, 1893-1946, to which the surrendered lease was subject and enter the said lease in the register book: Provided that the registered mortgages and encumbrances to which the surrendered lease was subject shall by force of this Act apply to and bind the lessee's interest in the new lease and all rights acquired by him on the approval of his application for the new lease from the date of such approval;

(b) with respect to leases to which paragraph (b) of subsection (1) of section one hundred and one 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 reassessed under that paragraph; but a reassessment of the rent to be paid after that date shall be made under section ninety-eight, and shall have effect from and inclusive of the first day of January, one thousand nine hundred and forty-nine; and

(c) with respect to leases to which paragraph (c) of subsection (1) of section one hundred and one 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 reassessment of the rent shall then be made under section ninety-eight, to have effect from that date; and

(d) to such extent as improvements were effected prior to the surrender of the lease, the lessee shall be exempt from the provisions of section one hundred and two;

(e) the endorsement by the Registrar of Titles on the new lease of any registered mortgage to which the surrendered lease was subject shall by force of this Act alone convert such mortgage into a mortgage of the new lease in lieu of the surrendered lease, to all intents and purposes and to the like effect as if for securing payment of the principal and interest in accordance with the terms of the registered mortgage and the performance and observance of the mortgagor's obligations thereunder, the mortgagor had granted to the mortgagee a mortgage of the new lease as a substituted security in lieu of the registered mortgage on the surrendered lease, and the endorsement by the Registrar of Titles on the new lease of any other encumbrances to which the surrendered lease was subject shall by force of this Act alone render the new lease subject to any such encumbrance.

(3) So far as by this section the provisions of section six of the Land Act Amendment Act, 1932, are amended, such amendments shall have effect from the thirtieth day of December, one thousand nine hundred and thirty-two.

Transfer of pastoral lease. No. 37 of 1933, s. 115. Amended by No. 47 of 1934, s. 12.

115. (1) With the Minister's approval in writing, but not otherwise, a lessee of pastoral lands may transfer all his right, title, and interest in the whole or any portion of his land: Provided as follows:—

(a) Neither the portion transferred nor the portion remaining shall be less than the minimum area prescribed for a lease in the division in which the land is situated, unless in special cases approved by the Minister.

(b) No transfer of a portion of a lease lodged after the first of January or first of July shall be approved until after the half-year's rent has been paid.

(c) The Minister may, in his absolute discretion, refuse to approve of a transfer to any incorporated company. **Transfer to companies.**

For the purpose of this paragraph the Minister may require any director, shareholder, or officer of any such company to make one or more statutory declarations containing such information as the Minister deems necessary to enable him to exercise his discretion as aforesaid.

(2) On production to the Registrar of Titles of a transfer by a lessee of his interest in any portion of the land the subject of the pastoral lease registered under the Transfer of Land Act, 1893-1946, and its amendments, and subject to the indorsement on the transfer of the approval of the Minister thereto, and a certificate from the Minister showing the adjusted area, and the adjustments to be made in the rental by reason of such transfer, the Registrar shall register the transfer and indorse on the lease a memorandum cancelling the same, so far as it affects the portion of the land the subject of the transfer, and enter on the said lease a memorandum of the rent thenceforth payable in respect to the remaining land. Upon the registration by the Registrar of such tranfer the Minister shall issue a new lease to the transferee in respect of the land transferred to him.

PART VII.—SPECIAL LEASES AND LICENSES

116. On receiving application in the form of the Twentieth Schedule, the Governor may grant leases of any Crown land in the form of the Twenty-first Schedule, for a term not exceeding twenty-one years from the date thereof, at a yearly rental of not less than two pounds, and on payment by the lessee of the cost of survey, for any of the following purposes (that is to say) :— **Governor may grant leases for special purposes. No. 37 of 1933, s. 116.**

(1) For obtaining and removing therefrom guano or other manure.

(2) For obtaining and removing therefrom stone, gravel, sand, or earth.

(3) For sites for hotels, stores, smithies, or similar buildings.

(4) For sites for bathing-houses, bathing-places, bridges, or ferries.

(5) For sites for tanneries, factories, saw or other 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 or artesian wells.

(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*:

Terms of over 10 years to be advertised.

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*, the first publication being at least one month before the grant of such lease.

Town, suburban and village lands may be leased.

Ibid., s. 117.

117. The Governor may lease any town, suburban, or village lands on such terms as he may think fit.

License for quarrying, etc., but not on goldfield or in mineral district.

Ibid., s. 118.

118. The Minister, or any person authorised by him in writing for that purpose, may grant a license in the form of the Twenty-second Schedule to any person to quarry, dig for, and carry away any rock, soil, or other

material on any land vested in the Crown, not being on a goldfield or in a mining district, for building purposes and to make bricks or any other commodity. The fee to be paid for such license shall be determined by the Governor, not being, however, less than five shillings per month for each man employed. The license shall be subject to the regulations in force for the time being.

PART VIII.—AGRICULTURAL LANDS PURCHASE.

Funds. Ibid., s. 119.

119. (1) The Treasurer may, with the approval of the Governor, expend for the purposes of this Part of this Act sums, not exceeding in the aggregate, with the moneys expended under the Agricultural Lands Purchase Act, 1909, and the Acts thereby repealed, twelve hundred thousand pounds out of money appropriated by Parliament for such purposes.

(2) At the option of the vendor of any land purchased under this Part of this Act, the Treasurer may pay the whole or any portion of the purchase money by debentures secured upon the consolidated revenue of the State, bearing such interest as the Governor may appoint, not exceeding the rate prescribed for the time being under the General Loan and Inscribed Stock Act, 1910, and redeemable not later than forty years after the date thereof, and such debentures, when so paid, shall be regarded as forming a part, at their face value, of the said sum of twelve hundred thousand pounds.

Land Purchase Board. Ibid., s. 120.

120. (1) The Governor may appoint a Board consisting of not more than nine persons and may from time to time remove such persons, and appoint others in their stead. The Board shall be incorporated under the name of the Land Purchase Board, and shall have a common seal.

(2) Three members of the Board shall constitute a quorum; and, unless the Minister shall otherwise direct, not more than three members shall act for the purpose of reporting on any offer of land or on any land proposed to be acquired.

Lands may be surrendered. Ibid., s. 121. Amended by No. 45 of 1945, s. 2.

121. The Governor may accept surrenders of land to His Majesty, for the purposes of this Part of this Act, and any owner of land may offer to surrender to His Majesty any land at a price to be named, and such offer

shall be binding on the owner if the decision of the Minister to purchase the land is notified to such owner by letter posted within three months of the date of the receipt of the offer by the Minister: Provided that any such land must be situated within forty miles of a railway, or of the intended route of a proposed railway the construction of which is authorised by Parliament, or within twenty-five miles of the established route of some other authorised form of transport which provides facilities for transportation comparable with those of a railway.

The term "land" includes any interest in land held under the Crown on conditional purchase lease, or otherwise, with or without the right to acquire the fee simple.

Land Purchase Board to report. No. 37 of 1933, s. 122. Amended by No. 35 of 1946, s. 7.

122. (1) Any such offer shall, before acceptance, be referred to the Land Purchase Board for its report upon the following matters, that is to say:—

(a) The fair value of the land and the improvements thereon.

(b) The suitability of the land offered for agricultural settlement.

(2) The Land Purchase Board, before making a report, shall satisfy itself as to the matters mentioned in subsection (1) of this section and examine or cause to be examined to the satisfaction of the Board, the land, for which purpose the members of the Board or any person authorised in writing by the Board, may enter and remain thereon for such time as may be necessary to obtain sufficient information for the preparation of the report.

Governor may purchase lands. No. 37 of 1933, s. 123.

123. If it appears from the report of the Land Purchase Board, in any case, that the land offered is suitable, the Minister, with the approval of the Governor, and subject to the conditions prescribed by this Part of this Act, may make a contract for the acquisition of the land by surrender at the price fixed by the Board as the fair value thereof, or at any lesser price.

Disposal of land acquired under this Act. Ibid., s. 124.

124. All land acquired by His Majesty under the provisions of this Part of this Act shall be deemed to be Crown lands, and after being surveyed into sections, and, if necessary, classified, shall be disposed of in accordance with the provisions of this Act, as modified by this Part.

125. The Minister may, with the approval of the Governor, clear, drain, fence, or otherwise improve any land acquired under this Part of this Act, prior to disposing of it, and the cost of such clearing, draining, fencing, or other improvements shall be added to the price paid for the acquisition of the land.

Minister may improve lands purchased. Ibid., s. 125.

126. (1) A sufficient part of the land may be set apart by the Minister, with the approval of the Governor, for roads, reserves, townsites, suburban areas, and other purposes as may be deemed necessary.

Reserves for public purposes, roads, etc. Ibid., s. 126.

(2) The Minister, with the approval of the Governor, may dispose of town and suburban lands, set apart under this section in like manner as town and suburban lands may, for the time being, be disposed of under Part IV. of this Act.

127. The remainder of the land shall be thrown open for selection under the provisions and conditions of sections forty-seven or forty-nine of this Act, subject to the following modifications:—

Price and conditions on which land is to be sold. Ibid., s. 127.

(1) The selling price of the land shall be ascertained by adding to the price paid for the land five pounds per centum of such price, and the cost of all improvements made upon it, and of survey and subdivision, and the total so arrived at shall be the least aggregate price to be paid by selectors of the land:

Provided that where land acquired is held on conditional purchase lease, the balance of the purchase money payable to the Crown under such lease shall be added to the selling price of the land:

Provided also that where the interest in land acquired is leasehold without the right to acquire the fee simple, the price of the land in fee simple under the provisions of this Act shall be added to the selling price of the land.

(2) The selling price of each allotment shall be fixed by the Governor, but so that the aggregate price for all the allotments into which the land is divided shall not be less than that hereinbefore prescribed; and the price of each

allotment, with interest thereon at the prescribed rate, shall be payable as rent as hereinafter provided.

(3) The maximum area held by one person shall be one thousand acres of cultivable land, or its equivalent as prescribed by paragraph (a) of subsection (1) of section forty-seven of this Act, except in special cases approved by the Governor, when such maximum may be increased to two thousand acres of cultivable land or its equivalent as aforesaid.

(4) The term of the conditional purchase lease shall be forty years from the first day of the quarter next preceding the date of the approval of an application.

(5) The rent shall be fixed at such sum per annum as will, if duly paid during the currency of the lease, amount to the price of the land, with interest at the prescribed rate on so much of the price of the land as for the time being remains unpaid, and shall be payable by the lessee in equal half-yearly instalments in advance:

Provided that for each of the first five years of the term of the lease the rent shall be fixed at an amount not to exceed such sum as will yield interest on the selling price of the land.

Power to reduce selling price.
Ibid., s. 128.
Amended by No. 47 of 1934, s. 13.

128. (1) Notwithstanding the provisions of the last preceding section, if it appears to the Governor that, having regard to the quality and productiveness of any land acquired under this Part of this Act, or any Act hereby repealed, or the distance of such land from a railway station or siding, market, or port, or other circumstances, the selling price of such land should be reduced, such price may, with the approval of the Governor, be reduced below the least aggregate price as ascertained under that section.

(2) The Governor may on the grounds stated in the previous subsection, reduce the said least aggregate sale price of any land sold under the provisions of the Agricultural Lands Purchase Act, 1909, and amendments, or sold under the provisions of this Part of this Act, whether

before or after the commencement of this subsection, and adjust the rental over the balance of the lease accordingly: Provided that the liability of the lessee for the payment of the rent reserved by the lease up to the date of such reduction shall not be affected, and in making such adjustment the lessee shall not be entitled to any cash refund of any part of the rent already paid, but the same shall be placed to the lessee's credit and utilised to pay off the instalments of rent (calculated on the basis of the reduced price) from time to time falling due under the lease. Save, as aforesaid, the obligations of the lessee under the lease shall not be affected.

(3) The Minister shall notify the Registrar of Titles of any such reduction and the particulars of any such adjustment, and the Registrar shall indorse a memorandum thereof on the original and on the duplicate of the Crown lease registered in the Office of Titles.

Deferment of rent payable by discharged soldiers. No. 37 of 1933, s. 129. Amended by No. 35 of 1946, s. 8.

129. If land is acquired under this Part of this Act by a discharged soldier or a dependant under the Discharged Soldiers' Settlement Act, 1918, or a discharged member of the forces as hereinafter defined in section one hundred and thirty-nine B of this Act—

(a) the Minister may dispense with the prepayment of the first half-yearly instalment of purchase money, and may dispense with payment of interest during the first year of the term of the lease, but in that case such interest shall be capitalised and added to and treated for all purposes as part of the purchase money; and

(b) the interest chargeable to the lessee shall be the rate payable for the money raised and applied to the acquisition of the land selected, except that the interest on the value of improvements may, during the first five years of the term, be reduced, and shall be payable as prescribed.

Application of s. 135 (4) and (5) to existing leases. No. 37 of 1933, s. 130. New section substituted by No. 36 of 1939, s. 19.

130. (1) The Minister may—

(a) extend the term of any conditional purchase lease granted under the Agricultural Land Purchase Act, 1909, to not exceeding forty years, and, in the event of any such extension

under this paragraph, all necessary adjustments may be made to apply to provisions of subsections (4) and (5) of section one hundred and twenty-seven of this Act to the lease, the term whereof is extended as aforesaid; or

(b) extend the term of any such lease aforesaid for any period, inclusive of the then unexpired portion of the term, not exceeding forty years, and in the event of any such extension under this paragraph, all necessary adjustments may be made to apply the provisions of subsection (5) of section one hundred and twenty-seven of this Act to the lease the term whereof is extended as aforesaid:

Provided that, in relation to extensions granted under paragraph (b) of this subsection, the following conditions shall apply, that is to say:—

Irrespective of the aggregate term created under the lease as extended, the lessee shall not be required to pay in total as rent a sum greater than the selling price of the land with prescribed interest over a period of forty years.

(2) No adjustment or extension of term under paragraph (b) of subsection (1) of this section shall be granted except on the recommendation of a Board to be appointed by the Governor under and for the purposes of this section.

(3) When the term of any lease has been extended under this section the Registrar of Titles shall, on receiving from the Minister a notification to that effect, and without fee, indorse on the relative Crown lease registered in the Office of Titles a memorandum of the facts so notified to him.

Interim cropping leases. No. 37 of 1933, s. 131.

131. The Minister may, under and subject to the regulations, grant from time to time cropping leases of any land acquired by His Majesty under this Part of this Act, or the Agricultural Lands Purchase Act, 1909, or any Act thereby repealed, for not exceeding three years, pending the lease thereof on terms of conditional purchase to a selector under this Part of this Act.

132. When debentures have been issued for the purposes of this Part of this Act, or of any repealed Act, all moneys received as the selling price of land forming part of any parcel of land acquired thereunder shall, except as hereinafter provided, be paid to the credit of a Special Trust Fund, and shall be applied in payment of the interest upon such debentures, and the surplus shall be accumulated to form a fund for redeeming the debentures at maturity.

Appropriation of receipts when debentures are issued. Ibid., s. 132.

Provided that if—

(a) any Crown land not so acquired is included in any parcel of land selected; or

(b) any interest in land so acquired is less than the fee simple thereof and the selling price has been increased in accordance with the provisos to subsection (1) of section one hundred and twenty-seven,

the selling price and the instalments thereof shall, subject to regulations to be made under this Act, be duly apportioned and a proportionate part shall be paid to the credit of the Special Trust Fund and a proportionate part of Consolidated Revenue.

133. (1) A separate account showing the expenditure and receipts in connection with any lands acquired by His Majesty under this Part of this Act shall be kept by the Treasurer.

Separate account to be kept by Treasurer. Ibid., s. 133.

(2) In the event of any profit or loss accruing under the operation of this Part of this Act, such profit or loss, as the case may be, shall be paid to, or be a charge upon, the Consolidated Revenue of the State.

134. Within thirty days after the meeting of Parliament in each year, a report shall be presented to both Houses of Parliament showing—

Report to be presented to Parliament. Ibid., s. 134.

(a) the locality and area of each block of land purchased under this Part of this Act, the name of the person from whom it was acquired, and the price paid for the same;

(b) the report of the Land Purchase Board on each transaction, and the condition and settlement of all land acquired under this Act.

PART IX.—MISCELLANEOUS PROVISIONS.

Priority of application. Ibid., s. 135.

135. All applications for land under this Act shall be made in the prescribed forms, and shall take priority according to the order of their being lodged or received through the post with the prescribed deposit, at the Lands and Surveys Office, Perth, or at such other places and offices as the Governor may notify in the *Gazette.*

Provided that if two or more applications for the same land are lodged or received through the post on the same day, such applications shall be deemed to be lodged or received at the same time.

Method of selection in case of applications lodged at the same time.

(2) When two or more applications in respect of the same land are lodged or received at the same time, the application to be granted shall, subject as hereinafter provided, be determined by a Board of three persons appointed by the Minister.

(3) The Board may require the personal attendance of and, when deemed necessary, examine on oath all applicants, objectors, and other witnesses, and any member of the Board may administer such oath.

(4) The Board may, in lieu of such determination, recommend that none of the applications should be approved.

Applications. Ibid., s. 136.

136. (1) Every application for land which has not been surveyed shall be for land in one block, and, except in special cases to be allowed by the Minister, in the form of a rectangle, with boundaries in the direction of the meridian and at right angles to it, and the proportion of depth to breadth, except as herein specified, shall not exceed three to one, unless the Minister shall otherwise direct.

(2) The proportion of depth to breadth in any section bounded by a frontage line shall be as two to one, unless otherwise provided or by approval of the Minister.

(3) Every application shall contain or be accompanied by a sketch of the proposed boundaries, which shall be fixed wherever possible with reference to some natural or permanent artificial object, and show the position of the land with reference to any lake, river, or main stream, and also to land held by or in the occupation of any other person in the locality; and also show all permanent waterholes and springs within the area applied for:

Provided that when, from the frontage not being a straight line, or from the interference of other frontage lines, natural features, or the boundaries of other lands, the foregoing rules in respect of form cannot be observed, the form of the land shall be determined as nearly in accordance therewith as circumstances permit.

137. (1) Any application for land already surveyed (not being town or suburban lands) may include two or more adjoining blocks.

Applications for surveyed lands. Ibid., s. 137.

(2) In special cases, with the approval of the Minister, application may be made for portion of a surveyed block, not being a town or suburban lot, and the block shall be subdivided accordingly:

Provided that in such case the applicant shall, if the Minister think fit, pay the cost of survey of such subdivision.

138. In fixing the maximum area of any holding under Part V. of this Act, any fraction of an acre may be disregarded.

Fractions of an acre of holdings under Part V. Ibid., s. 138.

139. (1) All land rents shall be calculated as from the first of January to the thirty-first of December, and shall be paid half-yearly in advance, at the office of the Department of Lands and Surveys, Perth, or to a Resident Magistrate or other person authorised by the Minister to receive rents, on or before the first of March and first of September in each year.

Rents. Ibid., s. 139.

(2) All leases applied for during the year shall, except in special cases approved by the Minister, be granted as from the first day of the quarter next preceding the date of approval of the application; and rent for the current half-year shall be payable as from the date of granting.

(3) If a lessee fails to pay the rent due by him on the first day of March or first of September in any year, or if he fails to pay any premium, instalment of payment for improvements, survey fee, or other money payable by him on the due day, he shall pay the same within thirty days from the due day, together with a fine of twopence in the pound, and if he fails to pay as last aforesaid he shall pay the same within sixty days from the due day, together with a fine of fourpence in the pound, and if he

fails to pay as last aforesaid he shall pay the same within ninety days from the due day, together with a fine of sixpence in the pound, and if he fails to pay for ninety days his lease and the lands comprised therein, and all improvements thereon, shall be forfeited.

(4) If any holding becomes forfeited, and such holding is one of a group of holdings held by the same person, and the external boundaries only of the group of holdings have been surveyed, the lessee shall be required to pay the cost of any additional surveys rendered necessary by reason of such forfeiture, and unless such cost is duly paid within a time to be fixed by the Minister, the remaining holdings of the group with the improvements thereon shall be forfeited.

Minister may refer rent payable by lessee who has served with H.M. Forces.
New section inserted by No. 35 of 1946, s. 9.

139A. The Minister may, in his discretion, and subject to such conditions as may be prescribed, defer the payment of rent of any conditional purchase lease, and any lease granted under Part VIII. of this Act or any Act repealed thereby, held by any lessee who has served in any of the naval, military or air forces of His Majesty the King since the third day of September, one thousand nine hundred and thirty-nine; such deferment of rent being limited to the period commencing from the first day of the half-year in which the lessee joined such forces and ending on the last day of the half-year in which such lessee was discharged from such forces, and the term of any such lease may be proportionately extended notwithstanding that such term may have already expired. The Minister shall notify the Registrar of Titles of any such extension of term granted in respect of any Crown lease registered under the Transfer of Land Act, 1893-1946, and the Registrar shall thereupon endorse such Crown lease accordingly.

Definition of "Discharged Member of the Forces."
New section inserted by No. 35 of 1946, s. 9.

139B. (1) For the purposes of this section a "discharged member of the forces" shall mean a person who was a resident of the Commonwealth for the period of not less than twelve months immediately prior to the third day of September, one thousand nine hundred and thirty-nine, and who became a member of any of the naval, military or air forces of His Majesty the King, at any time subsequent to that date during the war in which His Majesty was engaged and which commenced

on the third day of September, one thousand nine hundred and thirty-nine, and who has been honourably discharged after not less than six months' full time service in any of such forces, or, having in the opinion of the Minister been materially prejudiced by reason of service in any such force, has been honourably discharged after less than six months' full time service therein.

Part VIII. excluded.

(2) The provisions of this section shall not be construed to apply to leases granted under and subject to Part VIII. of this Act or any Act repealed thereby.

Rebate.

(3) In respect of any conditional purchase lease of Crown land of which a discharged member of the forces is already the lessee or shall hereafter become the lessee, whether by selection from the Crown or by acquisition otherwise, there may, subject as hereafter provided and to the approval of the Minister, upon application by the lessee, be deducted from the amount of the half-yearly rental otherwise required to be paid, a rebate equivalent to half of that portion of the rental as would be required to pay the price of the land exclusive of cost of improvements and survey fee.

Time from which rebate operative.

(4) Where at the time he became a member of the forces such discharged member was the lessee of a conditional purchase lease, and the Minister's approval is given to such rebate, then such rebate shall be granted as from the first day of the half-year of the term of such lease in which the lessee joined the forces, but otherwise the rebate shall be granted as from the first half-yearly rent day nearest to the date of registration of the transfer or other dealing by which the lease is acquired by a discharged member of the forces.

Suspension of rent and interest for five years.

(5) A lessee who is a discharged member of the forces shall not, in any case, be required to pay any rent or any interest on the cost of survey or interest on the value of improvements on any conditional purchase lease during the first five years of the term thereof.

Concessions to cease on disposal of interest in lease in certain circumstances.

(6) If a discharged member of the forces to whom a concession has been granted under this section in respect of any conditional purchase lease sells or assigns or otherwise disposes of, or agrees to sell, assign or otherwise dispose of any such conditional purchase lease otherwise than to another discharged member of the forces, or in the case of a deceased member of the forces,

if a sale, assignment or disposal otherwise, or agreement for sale, assignment or disposal otherwise be made other than to the next-of-kin of the beneficiary under the will being the widow, child or parent of the deceased, then in such case such concession shall terminate as from the first day in the half-year of the term of such lease in which the sale or agreement for sale, assignment or disposal otherwise of the lease was made.

Notice of disposal.

(7) Any lessee who disposes of or agrees to dispose of his conditional purchase lease by any means whatsoever shall, if any concession has been granted in respect of such lease under this section, notify the Minister within thirty days of such disposition or agreement therefor, and failure to give such notification shall render the lease liable to forfeiture forthwith.

Effect of concessions under Discharged Soldiers' Settlement Act, 1918 (No. 9 of 1919).

(8) If the lessee of any conditional purchase lease granted under this Act or any Act thereby repealed and to which lease concessions have been applied under the provisions of section eleven of the Discharged Soldiers' Settlement Act, 1918, transfers or otherwise disposes of his interest in such lease, with the Minister's consent, to any discharged member of the forces, then and in such case such concessions as have already been applied shall continue in all respects instead of the grant of any rebate of rent as otherwise mentioned in this section but the lease shall thereupon become subject to the provisions of subsections (6) and (7) of this section.

Concessions affected by area.

(9) No discharged member of the forces shall be granted or receive concessions under this section in respect of any area or areas of land exceeding in the aggregate five thousand acres of grazing land or the equivalent, as prescribed by section forty-seven of this Act, of cultivable land.

Concessions to certain next-of-kin.

(10) The Minister may, in his discretion, approve of the granting of a rebate of rent under the provisions of this section to the widow, child or parent of a deceased discharged member of the forces in respect of any conditional purchase lease which may have devolved to such widow, child or parent from such deceased discharged member of the forces before the commencement of this Act, and, in like manner, may approve of such a rebate in respect of any conditional purchase lease which may have devolved to the widow, child or parent of any lessee who at the time of his death was a member of any of

the naval, military or air forces of His Majesty the King. In any such case the rebate shall be granted from the first day of the half-year of the term of such lease in which such deceased discharged member of the forces or such deceased lessee joined the forces.

Improvements. No. 37 of 1933, s. 140.

140. (1) No payment or valuation shall be made pursuant to this Act in respect of any improvements, nor shall any improvements be considered pursuant to this Act, unless the Minister shall be satisfied that the same were made *bona fide* for the purpose of improving the land or increasing the carrying capacity thereof, and unless the same shall consist of wells of fresh water, reservoirs, tanks, or dams of permanent character and available for the use of stock, increasing thereby the carrying capacity of the land; or of fences, sheds, and buildings erected for farm or shearing and station purposes, not being dwelling-houses (except where such dwelling-houses exist upon a pastoral lease, homestead farm, or working man's block); or of cultivation, subdivision fences, clearing, grubbing, draining, ring-barking (at not more than two shillings and sixpence per acre), or any improvement for maintaining or improving the agricultural or pastoral capabilities of the land.

(2) The fact that the Minister is satisfied that the improvements were made *bona fide* for the purpose of improving the land or increasing the carrying capacity thereof may be proved in any court or before any arbitrator by a certificate in writing signed by the Minister, whose signature shall be judicially noticed.

Improvements on resumed land.

(3) Where land held under conditional purchase lease or Crown grant issued before or after the commencement of this Act is resumed under the reservation in the lease or grant of the right to resume a portion thereof for any work or purpose of public use, utility, or convenience, or for the purpose of exercising the power to search for minerals reserved to the Crown, compensation shall be payable to the lessee or grantee for the value of the improvements (if any), and the provisions of this section shall apply.

Restriction of right of compensation without compensation. Ibid., s. 141.

141. (1) From the commencement of this Act the right under a reservation in a Crown grant to resume a prescribed portion of the land granted for works or purposes of public use, utility or convenience, shall not

be exercisable without compensation to the grantee, or any person lawfully claiming under him, after five years from the date of the grant, but such compensation shall be assessed by setting off against the value of any lands so resumed any increase in value of the remaining lands in the grant or of any other lands of the grantee which is due to or arises out of such resumption, and the balance, if any, shall be payable to the grantee.

(2) This section shall not affect the provisions of any Crown grant whereby a resumption shall not be made without compensation of any part of the land granted or demised upon which buildings are erected or other improvements have been made; and such compensation shall be assessed at the value of such buildings, or other improvements, without regard to any increase in the value of the remaining land of the grantee, and shall be payable without any deduction by a set-off against the value of such buildings or other improvements of any increase in the value of such remaining land of the grantee.

Fee on Crown grants. Ibid., s. 142, amended by No. 53 of 1948, s. 8.

142. (1) For preparing and recording a Crown grant there shall be charged a fee of two pounds; such fee is to be paid with the balance of the purchase money:

Provided that, at the discretion of the Minister, lands comprised in two or more adjoining leases or licenses, as the case may be, registered in the same name and contracted to be granted for an estate in fee simple, subject to the same conditions, rights and reservations, may be included in one Crown grant, in which case there shall be charged a fee calculated at two pounds for the first lease or license and one pound for each additional lease or license so included.

Permit to occupy.

(2) After payment of the purchase money and the fee for the Crown grant, and having performed all the conditions, the purchaser upon application shall receive from the Minister a permit to occupy, in the form or to the effect of the Twenty-third or Twenty-fourth Schedule, as the case may be, being a certificate that he is entitled to the Crown grant.

(3) In the case of a free grant of land under this Act, no Crown grant fee shall be charged.

143. (1) No transfer, mortgage, or sub-lease of any lease or license under this Act shall be valid or operative until the approval in writing of the Minister or an officer of the Department authorised in that behalf by the Governor is obtained.

Transfers, etc., to be approved by Minister.
Ibid., s. 143.

(2) The Minister may, before approving any transfer or sublease, require the proposed transferee or sublessee to make a statutory declaration of his eligibility to hold the land intended to be transferred or sublet.

Declaration on transfer.

(3) Except in special case to be approved by the Minister, no holding under Part V. shall be transferred or sub-let until after the expiration of two years from the commencement of the lease or occupation certificate, unless the holder has expended on the land, in prescribed improvements, the full amount required to be expended during such period.

No transfer within two years, unless improvements effective.

144. (1) Subject to the last preceding section, to the provisions of Part VI. relating to the transfer of pastoral leases, and to the restrictions contained in Division (2) of Part V., any holder of a lease or license, except licenses to quarry, may transfer his interest in the land:

Transfer of leases and licenses.
Ibid., s. 144.

Provided that in the case of land held under a conditional purchase lease the transferee or sub-lessee does not hold, together with the land to be transferred or sub-let, more than the maximum area allowed under this Act.

(2) On the occasion of every transfer or sub-lease the lease or license or occupation certificate, if issued, must be produced, and the transferor and transferee or sub-lessor or sub-lessee shall each, on demand, receive a certificate in the form of the Twenty-fifth Schedule.

(3) Unless the lease or license is registered as a Crown lease under the provisions of the Transfer of Land Act Amendment Act, 1909, transfers may be in the form of the Twenty-sixth Schedule; and each holding must be transferred or sub-let by a separate instrument, and a fee of twenty shillings shall be payable on each transfer or sub-lease.

Leases and licenses may be mortgaged. Ibid., s. 145.

145. (1) Subject to section one hundred and forty-three, and the restrictions contained in Division (2) of Part V. and in Part VI., any lease or license under this Act not registered as a Crown lease under the Transfer of Land Act Amendment Act, 1909, may be mortgaged as hereinafter provided.

Memorandum of mortgage.

(2) When any lease or license is intended to be charged with or made security for the payment of money, the lessee or licensee shall execute a memorandum of mortgage in the form of the Twenty-seventh Schedule.

Mortgage must be registered.

(3) Every memorandum of mortgage must be in duplicate, and must be registered in the Department of Lands and Surveys; and in the case of several mortgages of the same holding they shall take effect according to priority of registration.

Fee.

(4) A fee of five shillings shall be payable upon the registration of every such memorandum in respect of every holding comprised in or affected by it.

Mortgage may be transferred.

(5) A mortgage may be transferred on payment of the like fee as for registration of the memorandum of mortgage.

Lease or license to be produced.

(6) On the registration of or transfer of a mortgage, the lease or license if issued must be produced.

Effect of mortgage. Ibid., s. 146.

146. A memorandum of mortgage shall have effect only as a security for the money intended to be secured by it, and shall not take effect as an assignment.

Right of mortgagee. Ibid., s. 147.

147. If default is made in the payment of the money secured by a mortgage according to the tenor thereof, or upon the happening of any event which, according to the terms of the mortgage, entitles the mortgagee so to do, the mortgagee may—

(a) enter upon and take and retain possession of the holding for any period not exceeding twelve months;

(b) sell the holding by public auction after not less than thirty days' notice of the intended sale published in the *Gazette* and in a local newspaper;

(c) after failure to sell by public auction, sell by private sale.

Provided that the purchaser must be a person who is not disqualified to be the lessee of the land under the provisions of this Act.

Provided also that the Minister may extend the time during which the mortgagee may retain possession of or sell the holding.

148. Upon a sale of a holding under the power of sale hereby conferred upon a mortgagee, he may transfer the lease or license to the purchaser, and the transfer shall be registered in the Department of Lands and Surveys upon payment of the fee of twenty shillings.

Transfer on sale. Ibid., s. 148.

149. If a lease or license is mortgaged under the provisions of section one hundred and forty-five, or is subject to a mortgage under section one hundred and thirty-eight of the Land Act, 1898, or is subject to a caveat lodged under section one hundred and fifty-two of this Act, or under section seventy-five of the Land Act Amendment Act, 1906, and the lessee or licensee, during the continuance of such mortgage or caveat, becomes entitled under such lease or license to a Crown grant in fee simple of the land, the mortgage, unless discharged, or caveat, unless withdrawn, removed or lapsed, shall by the operation of this Act be transferred to and apply to the Crown grant and the land thereby granted in all respects as if such Crown grant had been referred to in the mortgage or caveat; and on the lease or license being filed in the Office of Land Titles with a certified copy of the mortgage or caveat as registered under this Act or the Land Act, 1898, a memorandum of such mortgage or caveat shall be indorsed by the Registrar of Titles as an encumbrance on the Crown grant and on the folium of the Register Book on his registering such grant, and when so indorsed shall, in the case of a mortgage, have effect as if it contained all the covenants, powers, and conditions which, by the Transfer of Land Act, 1893-1946, are implied in mortgages under that Act or conferred on

Mortgages of leases or licenses to be transferred to Crown grant. Ibid., s. 149. Amended by No. 47 of 1934, s. 14.

the parties thereto, except so far as such mortgage contains express provisions to the contrary, or, in the case of a caveat, as if it were a caveat lodged under the provisions of the Transfer of Land Act, 1893-1946, in respect of the estate or interest specified therein.

The term "license" includes an occupation certificate or permit to occupy relating to a free homestead farm.

Minors may hold and deal with land. No. 37 of 1933, s. 150.

150. A person under the age of twenty-one years who is the holder of any conditional purchase lease or other holding or permit or license under this Act shall for the purposes of transferring, subletting, mortgaging, or otherwise dealing with the land have the same capacity as if he were of full age:

Provided that the terms and conditions of such transfer, sub-lease, mortgage, or other dealing may be reviewed and altered by a Judge of the Supreme Court on an application in Chambers.

Instruments not effectual until registered. Ibid., s. 151.

151. No transfer, lease, mortgage, charge, or other instrument shall be effectual to pass any estate or interest in any land under the operation of this Act, or to render such land liable to any mortgage or charge, until such instrument is registered in the Office of Land Titles, or in the Department of Lands and Surveys, as the case may be; but upon such registration, the estate or interest comprised in the instrument shall pass, or the land shall become liable in manner and subject to the conditions set forth and specified in the instrument or by this Act implied in instruments of a like nature.

Caveat may be lodged. Ibid., s. 152.

152. (1) Any beneficiary or other person claiming any estate or interest in land under the operation of this Act not registered under the Transfer of Land Act, 1893-1946, or the Transfer of Land Act Amendment Act, 1909, may lodge a caveat with the Under Secretary for Lands in the form in the Twenty-eighth Schedule to this Act, forbidding the registration of any person as transferee of and of any instrument affecting such estate or interest, either absolutely or until after notice of the intended registration or dealing is given to the caveator, or unless such instrument is expressed to be subject to the claim of the caveator, as may be required in such caveat.

(2) Every such caveat shall state the name and address of the person by whom or on whose behalf the same is lodged and (except in case of a caveat lodged by the Under Secretary for Lands as hereinafter provided) shall be signed by the caveator or by his agent.

(3) The person lodging such caveat shall, if required by the Under Secretary for Lands, support the same by a statutory declaration stating the nature of the estate or interest claimed and the title thereto, and may withdraw any such caveat.

(4) If such declaration, when required by the Under Secretary for Lands, is not lodged with him within seven days from the date of such registration or within such further time as he may direct, the caveat shall be null and void.

Address for service of notices.

(5) No such caveat shall be received unless some address or place within the limits of the city of Perth shall be appointed therein as the place at which notices and proceedings relating to such caveat may be served: but a caveator may give an additional address elsewhere within the State, in which case any notice relating to such caveat shall be sent through the post by registered letter to such address on the same day as that on which the notice is served in Perth.

(6) Every notice relating to such caveat, and any proceedings in respect thereof, if served at the address or place appointed as aforesaid, shall be deemed to be duly served.

Notice of caveat to be given. Ibid., s. 153.

153. (1) Upon the receipt of such caveat the Under Secretary for Lands shall notify the same to the proprietor against whose title to deal with the estate or interest such caveat has been lodged.

Caveator may be summoned to show cause.

(2) Such proprietor or any person claiming under any transfer or other instrument signed by the proprietor may, if he thinks fit, summon the caveator to attend before a Judge of the Supreme Court in chambers to show cause why such caveat should not be removed; and the Judge may, upon proof that such caveator has been summoned, make such order as he thinks fit.

Caveat to lapse after fourteen days' notice to caveator.

(3) Except in the case of a caveat lodged by or on behalf of a beneficiary claiming under any will or settlement, or by the Under Secretary for Lands, every caveat lodged against a proprietor shall be deemed to have lapsed upon the expiration of fourteen days after notice served on the caveator that such proprietor has applied for the registration of a transfer or other dealing.

Power to extend the operation of the caveat.

(4) A caveat shall not be renewed by or on behalf of the same person in respect of the same estate or interest; but if, before the expiration of the said period of fourteen days or such further period as shall be specified in any order made under this section, the caveator or his agent appears before a Judge and gives such undertaking or security or lodges such sum in court as such Judge may consider sufficient to indemnify every person against any damage that may be sustained by reason of any disposition of the property being delayed, then, and in such case, such Judge may direct the Under Secretary for Lands to delay registering any dealing with the land, lease, mortgage, or charge for a further period to be specified in such order or may make such other order as may be just.

No entry to be made in registry book while caveat in force.
Ibid., s. 154.

154. Except in the cases provided by section one hundred and fifty-seven so long as any caveat remains in force prohibiting any registration or dealing the Under Secretary for Lands shall not register any change in the proprietorship of or any transfer or other instrument purporting to transfer or otherwise deal with or affect the estate or interest in respect to which such caveat may be lodged. The consent of a caveator shall not operate as a withdrawal of his caveat.

Compensation for lodging caveat without cause.
Ibid., s. 155.

155. Any person lodging any caveat without reasonable cause shall be liable to make to any person who may have sustained damage thereby such compensation as a Judge on a summons in chambers shall deem just and order.

Notification of caveats.
Ibid., s. 156.

156. A memorandum of every caveat lodged under section one hundred and fifty-two, shall be entered on the register, and a copy of the caveat, or so much thereof as the Under Secretary for Lands shall deem material to the person notified, shall be sent with the notification required by section one hundred and fifty-three.

157. Where a caveat has been lodged by or on behalf of a beneficiary claiming under a will or settlement, and a change in the proprietorship of or a transfer or other dealing with or affecting the land, estate, or interest in respect of which the caveat was lodged is presented for registration, the same may, notwithstanding section one hundred and fifty-four of this Act, be registered without the caveat being withdrawn, and without determining the operation of the caveat, provided the Under Secretary for Lands is of opinion that such change of proprietorship or such transfer or other dealing is authorised by the will or settlement and the caveator either consents to the registration, or does not lodge a written protest against such registration within fourteen days after being served with notice as such caveator.

Caveat on behalf of a beneficiary under a will or settlement not to bar registration. Ibid., s. 157.

158. The Under Secretary for Lands may lodge a caveat on behalf of His Majesty or on behalf of any person who shall be under the disability of infancy, lunacy, unsoundness of mind, or absence from Western Australia to prohibit the transfer or dealing with any land belonging or supposed to belong to any such person, and also to prohibit the dealing with any land in any case in which it shall appear that an error has been made by misdescription of such land or otherwise in any instrument or for the prevention of any fraud or improper dealing.

Power to Under Secretary for Lands to enter caveats. Ibid., s. 158.

159. (1) The provisions of the Transfer of Land Act, 1893-1946, and its amendments, relating to executions against land are *mutatis mutandis* incorporated with this Act and shall apply to land held under this Act and not registered under the Transfer of Land Act, 1893-1946, or the Transfer of Land Act Amendment Act, 1909, the words "Under Secretary for Lands" being read, in such provisions, in place of the words "Registrar of Titles."

Executions against land. Ibid., s. 159.

(2) On any transfer pursuant to a sale under a writ of *fieri facias* or warrant of execution, the lease or other instrument of title of the judgment debtor shall be called in by the Under Secretary for Lands; but, if not produced, its production may be dispensed with, and a duplicate thereof may be issued to the purchaser on payment of the prescribed fee.

Power to Minister to register transmission where no administration of a deceased's estate.
Ibid., s. 160.

160. (1) The Minister, if satisfied—

(a) that a will has been left by any deceased person being the selector of a conditional purchase lease, free homestead farm, working-men's block or residential lease, and that no probate of such will has been obtained within six months after the death of such person; or

(b) that no will has been left by such deceased person, and no letters of administration of the estate of such deceased person have been obtained within such time as aforesaid; and

(c) that the value of the estate of such person does not exceed one hundred pounds; and

(d) that the holding has not become liable to forfeiture,

may cause transmission of such selection to be entered up in the records of the Department of Lands and Surveys in favour of the person or persons who would have been entitled, upon the grant of such probate or letters of administration, to be entered up as the selector of such conditional purchase lease, free homestead farm, working-men's block, or residential lease, and notwithstanding that the Crown grant may, after the decease of the selector, have been issued and registered in the name of the deceased.

(2) Thereupon the person in whose favour such transmissions shall be entered up shall have all rights, powers, and liabilities in respect of such selection as he would have had if probate of the will or letters of administration with the will annexed, or letters of administration of the estate of such deceased person had been granted to him.

Cf. No. 26 of 1941, s. 3.

(3) If the administration of the estate of the deceased is in the hands of the Public Trustee, a lease or occupation certificate may be issued in his name, if the Minister so approves.

161. If any holder of land under this Act dies or is declared a lunatic before the fulfilment of the prescribed conditions of fencing and improvement, the land may, with the approval of the Minister, be held by his legal representative or the person having charge of his estate, subject to the fulfilment of all unfulfilled conditions, except residence, in trust for, and for the benefit of the persons rightfully entitled; but the Crown grant, if any, shall issue in the name of the lessee: Provided that such representative, or the person having charge of the estate, shall make written application to the Minister for authority to enter into occupation of the land, within twelve months from the date of the holder's death, or from the date of his becoming a lunatic, failing which the land may be forfeited and thrown open for re-selection.

Where death or lunacy occurs before completion of fencing and improvements.
No. 37 of 1933, s. 161.

162. The demand or acceptance of rent in respect of any lease granted or agreed to be granted under this Act, or any Act hereby repealed, shall not be deemed a waiver of the right of His Majesty or the Minister to enforce the observance of any covenant, condition, or regulation under which the demised premises are held, or the forfeiture thereof for breach of any such covenant, condition, or regulation committed before the receipt of such rent.

Acceptance of rent not to be deemed waiver of breach of covenant.
Ibid., s. 162.

163. A notice inserted in the *Gazette,* signed or purporting to be signed by the Minister or the Under Secretary for Lands, to the effect that any lease, license, or other holding is forfeited for default in payment of rent, or for breach or non-observance or non-performance of the conditions thereof, shall be equivalent to a re-entry and recovery of possession by or on behalf of the Crown within the meaning of the proviso for re-entry expressed in or implied by the lease, license, or other instrument.

***Gazette* notice equivalent to re-entry.**
Ibid., s. 163.

164. Every person who, either by himself or by his servant, agent, or other person acting under his direction, shall be found in the unlawful or unauthorised use or occupation of any Crown lands, or lands reserved for or dedicated to any public purpose, or set apart as town or suburban lands, or who in any manner trespasses thereon, shall on conviction be liable to a fine not exceeding twenty-five pounds.

Penalty for trespass.
Ibid., s. 164.

Proof of residence and improvements.
Ibid., s. 165.

165. Proof of residence and improvements required by this Act may be made by surveyors or inspectors in the service of the State, or by the statutory declaration of the claimant, and shall be subject to acceptance as sufficient by the Minister. The Minister may require either the proposed transferor or the proposed transferee, or both, to furnish him with a statutory declaration with regard to improvements in the case of any application to transfer lands.

Returns of stock and improvements.
Ibid., s. 166.

166. Lessees and licensees under this Act shall furnish such returns respecting stock or improvements as may be required by the Minister; such returns shall be furnished at such times and in such forms as he may require, and, if necessary, be verified by statutory declaration.

Statutory declarations.
Ibid., s. 167.

167. Any statutory declaration required under the provisions of this Act may be made before the Minister or the Under Secretary for Lands, or any agent duly appointed by the Minister, and shall have the same force and effect, and in the case of false declaration shall subject the declarant to the same pains and penalties as if such declaration had been made before a Justice of the Peace.

Communications to be addressed to the Under Secretary for Lands.
Ibid., s. 168.

168. Whenever by this Act or any regulation an application, tender, document, or communication is directed to be sent or forwarded to the Minister, the same shall be addressed to the Under Secretary for Lands, or other officer duly authorised in that behalf, who shall have authority to correspond with all persons and otherwise act under the direction of the Minister.

Auctioneer may sell without license.
Ibid., s. 169.

169. Any person authorised by the Minister may conduct sales by auction under this Act without having an auctioneer's license or incurring on that account any liability.

170. (1) A notice required by this Act to be given may be served as follows:— Service of notices. Ibid., s. 170

(a) By delivering the same to the person to whom it is addressed, or leaving it for him at his usual place of abode or business.

(b) By posting the same in a letter prepaid addressed to him at his usual place of abode or business.

(c) In the case of a notice addressed to a corporation, by leaving the same at the principal office in the State of such corporation, or by posting the same as aforesaid, addressed to the corporation there.

(d) Notices addressed to a firm or partnership may be served by being delivered to the manager or any partner, or by leaving the same at the principal place of business in the State of the firm or partners, or by posting the same as aforesaid addressed to the firm or partners there.

(2) Proof of posting a notice as aforesaid shall be deemed *prima facie* evidence of the notice being served at the time at which, by the course of post, such notice should be delivered.

171. (1) All moneys expended by the Minister out of loan funds for the acquisition of land for selection under this Act or any Act hereby repealed (otherwise than under the provisions of Part VIII. or any repealed enactment replaced by that Part), or for improving, surveying, or otherwise preparing land for sale, shall be repaid to the lands improvement loan fund out of the consolidated revenue in forty half-yearly instalments, on the basis of an assessment to be made in January and July in every year of the expenditure for the six months ended on the 31st day of December and the thirtieth day of June next preceding. Repayment of expenditure from loan funds by consolidated revenue. Ibid., s. 171.

(2) All moneys standing for the time being to the credit of the lands improvement loan fund may be invested from time to time in such securities and in Investment Land Improvement Loan Fund.

such manner as the Treasurer may determine, and the Treasurer may, subject to appropriations by Parliament, apply such moneys or the proceeds of the investments thereof, to the improvement, survey, and preparation for sale of Crown land, or to any purpose authorised by the schedule of any Loan Act.

Regulations. Ibid., s. 172.

172. (1) The Governor may make regulations for fully and effectually carrying out and giving force and effect to the objects, purposes, rights, powers, and authorities of this Act, including regulations for fees, and for penalties not exceeding twenty pounds for any one offence.

(2) By such regulations the forms in the Schedules to this Act may be modified, and additional forms may be prescribed; and such forms may be used, with such variations as circumstances may render necessary in any particular case.

First Schedule.

ENACTMENTS REPEALED.

Date and Number.	Title or Short Title.	Extent of Repeal.
17 Vict., No. 6	An ordinance to regulate the mode of awarding compensation for town lots resumed by the Governor on behalf of the Crown	The whole.
21 Vict., No. 8	An ordinance to give legal operation to land grants to deceased persons	The whole.
51 Vict., No. 27	The Crown Lessees Arbitration Act, 1887	The whole.
52 Vict., No. 19	The Land Regulations Arbitration Act, 1888	The whole.
62 Vict., No. 37	The Land Act, 1898	The whole.
63 Vict., No. 50	The Land Act Amendment Act, 1899	The whole.
63 Vict., No. 24	The Permanent Reserves Act, 1899	The whole.
64 Vict., No. 15	The Land Act Amendment Act, 1900	The whole.
1 and 2, Edw. VII., No. 15	The Permanent Reserves Amendment Act, 1902	The whole.
1 and 2, Edw. VII., No. 20	The Land Act Amendment Act, 1902	The whole.
No. 22 of 1905	The Land Act Amendment Act, 1905	The whole.
No. 29 of 1906	The Land Act Amendment Act, 1906	The whole.
No. 39 of 1909	The Land Act Amendment Act, 1909	The whole.
No. 46 of 1909	The Agricultural Lands Purchase Act, 1909	The whole.
No. 39 of 1912	The Agricultural Lands Purchase Act Amendment Act, 1912	The whole.
No. 60 of 1915	The Land Act Amendment Act, 1915	The whole.
No. 3 of 1917	The Agricultural Lands Purchase Act Amendment Act, 1917	The whole.
No. 19 of 1917	The Land Act Amendment Act, 1917	The whole.
No. 6 of 1918	The Land Act Amendment Act, 1918	The whole.
No. 7 of 1919	The Agricultural Lands Purchase Act Amendment Act, 1919	The whole.
No. 62 of 1919	The Land Act Amendment Act, 1919	The whole.
No. 49 of 1920	The Land Act Amendment Act, 1920	The whole.
No. 15 of 1922	The Agricultural Lands Purchase Act Amendment Act, 1922	The whole.
No. 34 of 1922	The Land Act Amendment Act, 1922	The whole.
No. 2 of 1923	The Agricultural Lands Purchase Act Amendment Act, 1923	The whole.
No. 54 of 1923	The Land Act Amendment Act, 1923	The whole.
No. 21 of 1925	The Land Act Amendment Act, 1925	The whole.
No. 43 of 1926	The Land Act Amendment Act, 1926	The whole.
No. 5 of 1927	The Agricultural Lands Purchase Act Amendment Act, 1927	The whole.
No. 40 of 1928	The Land Act Amendment Act, 1928	Section 2.
No. 8 of 1929	The Agricultural Lands Purchase Act Amendment Act, 1929	The whole.
No. 26 of 1930	The Land Act Amendment Act, 1930	The whole.
No. 51 of 1931	The Land Act Amendment Act, 1931	The whole.
No. 44 of 1932	The Land Act Amendment Act, 1932	The whole.

Second Schedule.

Crown Grant of Town or Suburban Land.

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, certain knowledge, and mere motion, have given and granted, and We do by these presents, for Us, Our

*The title "Emperor of India" omitted. See Royal Style and Titles Act, 1947, s. 2—proclaimed 19th March, 1948.

heirs and successors, in consideration of the payment of the sum of and the fulfilment of the prescribed conditions to the satisfaction of Our Governor of Our State of Western Australia, Give and Grant unto

(hereinafter called the Grantee), the natural surface and so much of the land as is below the natural surface to a depth of feet of ALL THAT piece or parcel of land situate and being in the Town 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 green in the plan drawn in the margin hereof: TOGETHER with all appurtenances thereunto belonging, or in anywise appertaining: TO HAVE AND TO HOLD the said piece or parcel of land to the depth aforesaid, and all and singular the premises hereby granted, with their appurtenances, unto the Grantee 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: PROVIDED, NEVERTHELESS, that subject to Section 141 of the Land Act, 1933, it shall (at any time within twenty-one years from the date of these presents) be lawful for Us, Our heirs and successors, or for any person or persons acting in that behalf by Our or their authority, to resume and enter upon possession of any part of the said piece or parcel of land, which it may at any time by Us, Our heirs and successors, be deemed necessary to resume for roads, tramways, railways and railway stations, canals, bridges, towing paths, harbour or river improvement works, drainage or irrigation works, quarries, and generally for any other works or purposes of public use, utility or convenience, and for the purpose of exercising the power to search for minerals hereinafter reserved, and such land so resumed to hold to Us, Our heirs and successors as of Our or their former estate without making to the Grantee, or any person claiming under him, any compensation in respect thereof; so, nevertheless, that no such resumption be made without compensation of any part of the said piece or parcel of land upon which any expenditure or improvements shall have been made by the said Grantee, or any person claiming under him; and We do hereby save and reserve to Us, Our heirs and successors, all mines of gold, silver, copper, tin, or other metals, ore, and mineral, or other substances containing metals, and all gems or precious stones and coal or mineral oil and all phosphatic substances in or under the said piece or parcel of land hereby granted, with full liberty at all times to search and dig for and carry away the same; and for that purpose to enter upon the said piece or parcel of land or any part thereof.

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 thirty . .....

Minister for Lands.

Third Schedule.

Crown Grand of Rural Land.

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, certain knowledge, and mere motion, have given and granted, and We do by these presents, for Us, Our

heirs and successors, in consideration of the payment of the sum of and the fulfilment of the prescribed conditions to the satisfaction of Our Governor of Our State of Western Australia, Give and Grant unto

(hereinafter called the Guarantee), the natural surface and so much of the land as is below the natural surface to a depth of feet of 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 green in the plan drawn hereon: TOGETHER with all appurtenances whatsoever thereunto belonging or in anywise appertaining: TO HAVE AND TO HOLD the said tract or parcel of land to the depth aforesaid, and all and singular the premises hereby granted, with their appurtenances, unto the said Grantee 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: PROVIDED, NEVERTHELESS, that, subject to Section 141 of the Land Act, 1933, it shall at all times be lawful for Us, Our heirs and successors, or for any person or persons acting in that behalf by Our or their authority, to resume and enter upon possession of any part of the said land which it may at any time by Us, Our heirs and successors, be deemed necessary to resume for roads, tramways, railways, railway stations, bridges, canals, towing paths, harbour or river improvement works, drainage, or irrigation works, or quarries, and generally for any other works or purposes of public use, utility, or convenience, and for the purpose of exercising the power to search for minerals hereinafter reserved, and such land so resumed to hold to Us, Our heirs and successors, as of Our or their former estate without making to the said Grantee, or any person lawfully claiming under him, any compensation in respect thereof, so nevertheless, that the land so to be resumed shall not exceed one-twentieth part in the whole of the lands aforesaid, and that no such resumption be made of the part of any lands upon which any buildings may have been erected, or which may be in use as gardens, or otherwise, for the more convenient occupation of any such buildings, or on which any other improvements as defined by the Land Act, 1933, have been made without compensation: AND PROVIDED, ALSO, that it shall be lawful at all times for Us, Our heirs and successors, or for any person or persons acting in that behalf, by Our or their authority, to cut and take away any such indigenous timber, and to search and dig for and carry away any stones or other materials which may be required for making or keeping in repair any roads, tramways, railways, railway stations, bridges, canals, towing-paths, harbour works, breakwaters, river improvements, drainage or irrigation works, and generally for any other works or purposes of public use, utility, or convenience, without making to the said Grantee, or any person claiming under him, any compensation in respect thereof; and we do hereby save and reserve to Us, Our heirs and successors, all mines, of gold, silver, copper, tin, or other metals, ore, and minerals, or other substances containing metals, and all gems or precious stones and coal or mineral oil and all phosphatic substances in and under the said land, with full liberty at all times to search and dig for and carry away the same; and for that purpose to enter upon the said lands or any part thereof.

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 thirty.....

Minister for Lands.

Fourth Schedule.

Lease under Part III.

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, certain knowledge, and mere motion, do by these Presents grant and demise unto

(hereinafter called the Lessee), the natural surface and so much of the land as is below the natural surface to a depth of feet of ALL THAT piece or parcel of land situate and being in Our State of Western Australia, containing acres roods perches, 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 in the plan drawn in the margin hereof. TOGETHER with all easements and appurtenances to the said piece or parcel of land belonging or appertaining: To HOLD the premises hereby demised unto Lessee

as Trustee for (*or as the case may be*) from the day of , One thousand nine hundred and , for the term of Years thence next ensuing: YIELDING AND PAYING therefor 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: PROVIDED ALWAYS that the said piece or parcel of land hereby demised shall at all times during the said term be used by the Lessee for the following purpose, namely,

and for no other purpose whatsoever without the license in writing of Us, Our heirs and successors first obtained; and that if the Lessee at any time during the said term shall make default in payment of the rent hereinbefore reserved, if demanded, or shall, without such license as aforesaid, use the land otherwise than for the purpose for which it has been demised, it shall thereupon be lawful for Us, Our heirs and successors, into and upon the said land, 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 demise had never been executed. PROVIDED also, that it shall at all times be lawful for Us, Our heirs and successors, or for any person or persons acting in that behalf by Our or their authority, to resume and enter upon possession of any part of the said lands which it may at any time by Us, Our heirs and successors, be deemed necessary to resume for roads, tramways, railways, railway stations, bridges, canals, towing paths, harbour or river improvement works, drainage or irrigation works, quarries, and generally for any other works or purposes of public use, utility, or convenience, and for the purposes of exercising the power to search for minerals and gems hereinafter reserved, and such land so resumed to hold to Us, Our heirs and successors, as of Our or their former estate, without making to the said Lessee any compensation in respect thereof; so, nevertheless, that no such resumption be made of any part of the said land upon which any buildings or improvements may have been made by the lessee without compensation: PROVIDED ALSO, that it shall be lawful at all times for Us, Our heirs and successors, or for any person or persons acting in that behalf by Our or their authority, to cut and take away any indigenous timber, and to search and dig for and carry away any stones or other materials which may be required for making or keeping in repair any roads, tramways, railways, railway stations, bridges, canals, towing-paths, harbour works, breakwaters, river improvements, drainage or irrigation works, and generally for any other works or purposes of public use, utility, or convenience, without making to the Lessee any compensation in respect thereof; and we do hereby save and reserve to

Us, Our heirs and successors, all mines of gold, silver, copper, tin, or other metals, ore, and mineral or other substances containing metals, and all gems and precious stones, and coal or mineral oil, and all phosphatic substances in and under the said land, with full liberty at all times to search and dig for and carry away the same; and, for that purpose, enter upon the said land or any part thereof.

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 thirty . .....
Minister for Lands.

Fifth Schedule.

APPLICATION FOR A TOWN OR SUBURBAN LOT.

Place.....
Date.....

I HEREBY apply to have the Block of Land described below submitted to auction under the provisions of Part IV. of the Land Act, 1933-1948.

Lot No.	Name at full length, address, and calling of Applicant.	Acreage.	Town.	Street.
		a. r. p.		

Signature of Applicant.....

Received this Application on the.....day of..... 19 , with deposit of £.....

....., Accountant...

Application approved for sale by auction to a depth of..... feet below the natural surface,.....on the..... .....day of.....19 .

Upset price £.....

.....
An officer authorised in this behalf by the Governor.
By order of the Minister for Lands.

Sixth Schedule.

LICENSE TO OCCUPY TOWN OR SUBURBAN LANDS.

License No.....

.....*Lot, No*.....

WHEREAS..... of..... has applied to purchase from the Crown an estate in fee simple in the natural surface and so much of the land as is below the natural surface to a depth of.....feet of all that piece or parcel of land, that is to say.....Lot, number....., the boundaries of

which are as shown in the authenticated map of the said..... in the Department of Lands and Surveys, in the State of Western Australia, and containing....., or thereabouts, and has paid the sum of....., being the instalment of purchase money prescribed by the Land Act, 1933-1948. Now know all men, and these Presents witness that I..... .....in pursuance of the powers in me vested as Minister for Lands for the said State, do hereby authorise, empower, and license the said..... at any time after the date hereof, to enter upon the said section of land, and to hold the same subject to the terms and conditions of the said Act, and as hereunder specified, and to the provisos contained in the prescribed form of Crown grant for town and suburban lands.

CONDITIONS.

Given under my hand at Perth, on the..... day of.....19....

.....
An officer authorised in this behalf by the Governor.
By order of the Minister for Lands.

Seventh Schedule.

APPLICATION FOR A CONDITIONAL PURCHASE.

Application No..... .....Division.

District ..... *Location or Lot No.* }

Place and date of Application } .....

Plan.....

Locality.....

I HEREBY apply to purchase the Crown Land described above under the provisions of Section.....of the Land Act, 1933-1948. I am over 16 years of age; I am not the holder under the said Act, or any Act thereby repealed, of 1,000 acres of cultivable land, or its equivalent, as prescribed by the Act, and I am otherwise duly qualified to hold land under this section.

.....
Signature of Applicant.

Name at full length, address, and calling of applicant.	Acreage applied for.	Purchase money, fees, etc.	
		Particulars.	Amount.
			£ s. d.
	Area allocated as under—		
	Cultivable Land		
	Grazing Land....		
	Total Area		

(On Back.)

POSITION AND BOUNDARIES OF LAND APPLIED FOR.

Eighth Schedule.

The Land Act, 1933-1948.

WESTERN AUSTRALIA.

CONDITIONAL PURCHASE LEASE.

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 Whereas

in our State of Western Australia (hereinafter styled the Lessee) has made application under the provisions of Section of the Land Act, 1933-1948: We, of our special Grace, and in exercise of the powers in this behalf to Us given by the said Act, do by these presents demise to the Lessee, the natural surface and so much of the land as is below the natural surface to a depth of feet of ALL THAT piece or parcel of land marked and distinguished on the maps and books of the Department of Lands and Surveys of Our said State as , containing , more or less, and as the same is delineated by a border of green colour on the plan hereon, together with all appurtenances thereunto belonging TO HAVE AND TO HOLD the said land hereby demised subject to the powers, reservations, and conditions contained herein and in the said Act, and applicable to leases granted under Part V. of the said Act, and together with all the rights, powers, and privileges conferred upon the Lessee, under or by virtue of these presents and of the said Act unto the Lessee, his executors, administrators, and assigns, for the term of to be computed from the first day of One thousand nine hundred and YIELDING AND PAYING therefor, unto Us, the following rental(s) half-yearly in advance on the first day of March and the first day of September in each and every year, namely,

all such payments to be made to Our Minister for Lands for Our said State: PROVIDED, NEVERTHELESS, that it shall at all times be lawful for Us, Our heirs and successors, or for any person or persons acting in that behalf by Our or their authority, to resume and enter upon possession of any part of the said land which it may at any time by Us, Our heirs and successors, be deemed necessary to resume for roads, tramways, railways, railway stations, bridges, canals, towing paths, harbour or river improvements works, drainage or irrigation works, quarries, and generally for any other works or purposes of public use, utility, or convenience, and for the purposes of exercising the power to search for minerals hereinafter reserved, and such land so resumed to hold to Us, Our heirs and successors, as of Our or their former estate, without making to the lessee, or any person claiming under him, any compensation in respect thereof; so, nevertheless, that the lands so to be resumed shall not exceed one-twentieth part in the whole of the lands aforesaid, and that no such resumption be made of any part of the said lands upon which any buildings may have been erected, or which may be enclosed and in use as gardens or otherwise for the more convenient occupation of any such buildings, or on which any other improvement as defined by the said Act have been made, without compensation: PROVIDED ALSO, that it shall be lawful at all times for Us, Our heirs and successors, or for any person or persons acting in that behalf by Our or their authority, to cut and take away any such indigenous timber, and to search and dig for and carry away any stones or other materials which may be required for making or keeping in repair any roads, tramways, railways, railway stations, bridges, canals, towing paths, harbour works, breakwaters, river improvements, drainage or irrigation works, and generally for any other works or purposes of public use, utility, or convenience, without making to the lessee, or any person claiming under him, any compensation in respect thereof: AND we do hereby save and reserve to Us, Our heirs and successors, all mines of gold, silver, copper, tin, or other metals, ore, and mineral, or other substances containing metals and all gems and precious stones, and coal or mineral oil

and all phosphatic substances in and under the said land, with full liberty at all times to search and dig for and carry away the same; and for that purpose enter upon the said land or any part thereof: PROVIDED FURTHER that all improvements on the land hereby demised except those which are owned by a pastoral lessee are Our property, and shall be paid for by the lessee at such time and in such manner as Our Minister for Lands may direct: PROVIDED ALSO, that if the lessee, his executors, administrators, or assigns, shall, during the said term, at any time make default in payment of the rent hereby reserved, or shall fail or neglect to comply with, perform, or fulfil all or any of the conditions or provisions of the said Act, and on his part to be observed and performed, or if the lessee assigns or underlets the premises or any part thereof without the Minister's approval in writing, as required by the said Act, first obtained, it shall thereupon be lawful for Us, Our heirs and successors, into and upon the said land, or any part thereof in the name of the whole, to re-enter and the same to have again, repossess, and enjoy, together with all improvements thereon, without making any compensation to the lessee, his heirs, executors, administrators, or assigns: PROVIDED FURTHER, that at the expiration of the said term and upon payment of all rent hereby reserved, and upon the due performance of all conditions prescribed by the said Act, and upon payment of the prescribed fee for a Crown Grant, or at any time during the continuance of the said term, upon furnishing, after the first five years of the said term to the satisfaction of Our Minister for Lands for Our said State the proofs required by the said Act, and upon payment of the full purchase money and the prescribed fee as aforesaid, the lessee, his executors, administrators, or assigns, shall be entitled to a Crown Grant in fee simple of the lands hereby demised in the form prescribed by the said Act in the case of rural lands: PROVIDED LASTLY, and it is hereby agreed and declared that We, Our heirs and successors, shall not be liable to compensate the said lessee, his executors, administrators, or assigns, for any loss or damage arising from the exercise of all or any of the powers or rights hereby reserved to Us, Our heirs and successors, save and except in so far as the same may be prescribed herein or by the said Act.

Plan herein referred to.

↑

Scale *Chains to an inch.*

The area and measurements on the above Plan are more or less, and a post has been placed at each corner of the Location.

IN WITNESS whereof we have caused Our Minister for Lands to affix hereto his seal and set his hand this day of , One thousand nine hundred and .

Ninth Schedule.

I,....., of....., an applicant for a conditional purchase lease under Part V. of the Land Act, 1933-1948, do solemnly and sincerely declare that I am qualified to acquire a free homestead farm under Division (2) of Part V. of the said Act, and am not the holder of any land within the State for an estate of freehold or under conditional purchase or special occupation conditions, or as a free homestead farm. And I make this solemn declaration by virtue of Section 106 of the Evidence Act, 1906.

Declared, etc.

Tenth Schedule.

APPLICATION FOR A CONDITIONAL PURCHASE UNDER SECTION 54.

Application No..... .....Division.

District .....
Location or Lot No......
Place and Date of Application } .....
.....

I HEREBY apply to purchase the Crown Land as described under the provisions of Section 54 of the Land Act, 1933-1948; I am over 16 years of age; I am not the holder of 1,000 acres of cultivable land or its equivalent within the State, and I am otherwise duly qualified to hold land under the said section.

.....
Signature of Applicant.

Eleventh Schedule.

CONDITIONAL PURCHASE LICENSE UNDER SECTION 54.

License No.....

.....No.....

WHEREAS..... of.....has applied to purchase under the provisions of Section 54 of the Land Act, 1933-1948, an estate in fee simple in all that piece or parcel of land, marked in the Maps and Books of the Department of Lands and Surveys of our State of Western Australia as....., No....., and delineated on the plan hereon, and containing.....acres, or thereabouts, at the price of.....being the instalment of purchase money payable as prescribed: Now know all men, and these presents witness, that I.....in pursuance of the powers in me vested as Minister for Lands, do hereby authorise, empower, and license the said.....to enter upon the said piece or parcel of land, and to hold the same from the natural surface thereof to a depth of.....feet below the natural surface, for the term of three years from the.....day of.....19...., subject to the terms and conditions of the said Act, applicable to land disposed of under Section fifty-four thereof, and to the provisos contained in the prescribed form of Crown Grant for Rural Lands under the said Act.

Given under my hand at Perth, on the.....
day of.....19....

.....
An Officer authorised in this behalf by the Governor.
By order of the Minister for Lands.

Twelfth Schedule.

APPLICATION FOR A HOMESTEAD FARM.

Application No..... .....Division.

District .....
Location or Lot No......
Place and Date of Application } .....
.....

I,....., of....., hereby apply for the Crown land described above, under the provisions of Section 66 of the Land Act, 1933-1948, and I do solemnly and sincerely declare that I am over 16 years of age; that I am not the owner of more than 100 acres of land within the State for an estate of freehold or under special occu-

pation or conditional purchase; that this application is made for my exclusive use and benefit, with the intention of residing upon and improving the land applied for in accordance with the conditions prescribed by the said Act, and not directly or indirectly for the use or benefit of any other person or persons whomsoever; and that I am not at present the holder of a homestead farm: And I make this solemn declaration by virtue of Section 106 of The Evidence Act, 1906.

Declared, etc.

Signature of Applicant.

Thirteenth Schedule.

STATUTORY DECLARATION.

I, ..., of....., do solemnly and sincerely declare that I am over 16 years of age; that I am not the owner of any land above 100 acres' for an estate of freehold or under special occupation or conditional purchase; that my application, No..... for a free homestead farm is made for my exclusive use and benefit, with the intention of residing upon and improving the land applied for in accordance with the conditions prescribed by the Land Act, 1933-1948, and not directly or indirectly for the use or benefit of any other person or persons whatsoever; and that I am not at present the holder of a free homestead farm. And I make this solemn declaration by virtue of Section 106 of the Evidence Act, 1906.

Declared at.....this.....day of.....19...., before me.

.....
J.P.

Fourteenth Schedule.

OCCUPATION CERTIFICATE, HOMESTEAD FARM.

No.....

Now know all men, and these presents witness, that I..... in pursuance of the power vested in me as Minister for Lands for the State of Western Australia, do hereby authorise, empower, and permit ....., of.....at any time within six months after the.....day of....., 19...., to take possession of and occupy for a period of seven years from that date the natural surface, and so much of the land as is below the natural surface, to a depth of.....feet of all that piece or parcel of land marked and distinguished on the Maps and Books of the Department of Lands and Surveys of the said State as....., No....., and containing.....acres, more or less as the same is delineated by a border of green colour in the plan drawn hereunder, subject, however, to all the conditions prescribed by the Land Act, 1933-1948, and any Regulations thereunder respecting Homestead Farms, and to the provisos contained in the prescribed form of Crown Grant for Rural Lands under the said Act:

PLAN.

Dated the..... day of.....19....

.....
An officer authorised in this behalf by the Governor.
By order of the Minister for Lands.

Fifteenth Schedule.

APPLICATION FOR A WORKING MAN'S BLOCK.

.....DIVISION.

Appln. No..... *District, Suburban Area or Town (as the case may be)* .... *Lot No.*.....

Place and date of application .....

I,.....hereby apply for the section of land described above, under the provisions of Section of the Land Act, 1933-1948, and I do solemnly and sincerely declare that I am over 16 years of age; that I am not the owner of land within the State for an estate of freehold, or under Special Occupation, or Conditional Purchase, or as a Free Homestead Farm; that this application is made for my exclusive use and benefit, with the intention of residing upon the land applied for, and improving it in accordance with the conditions prescribed by the said Act, and not directly or indirectly for the use or benefit of any other person or persons whatsoever; and that I am not at present the holder of a Working Man's Block: And I make this solemn declaration by virtue of Section 106 of the Evidence Act, 1906.

Declared, etc.

Sixteenth Schedule.

WESTERN AUSTRALIA.

Lease No. {——

Lease of Working Man's Block.

Town Lot No.

GEORGE THE SIXTH, by the Grace of God, of Great Britain, Ireland, and of the British Dominions beyond the Seas, King Defender of the Faith. To all to whom these presents shall come, GREETING: Know ye, that: Whereas , of , in Our State of Western Australia (hereinafter called the Lessee, which term includes the Lessee, his executors, administrators, and assigns), has made application under the provisions of Section.... of the Land Act, 1933-1948, We of Our especial Grace, and in consideration of the rent, hereinafter reserved and on the part of the lessee to be paid, and in exercise of the powers to Us given by the said Act, do by these presents demise to the lessee the natural surface and so much of the land as is below the natural surface to a depth of feet of ALL THAT piece or parcel land situate at in Our said State, marked and distinguished in the maps and books of the Department of Lands and Surveys as No. containing more or less, and as the same is delineated on the plan herein, together with the appurtenances thereto belonging, to have and to hold subject to the said Act and any Regulations made thereunder and together with all rights, powers, and privileges conferred upon the lessee by the said Act and Regulations for the term of ten years, to be computed from the day of 19 , YIELDING AND PAYING for the same half-yearly in advance on or before the first day of March and the first day of September in every year, during the said term, the yearly rent of pounds, unto the Minister administering the said Act for Us, Our heirs and successors, without deduction: PROVIDED, NEVERTHELESS, that it shall at all times be lawful for Us, Our heirs and successors, or for any person or persons acting in that behalf by Our or their authority, to resume and enter upon possession of any part of the

said land which it may at any time by Us, Our heirs and successors, be deemed necessary to resume for roads, tramways, railways, railway stations, bridges, canals, towing paths, harbour or river improvement works, drainage or irrigation works, quarries, and generally for any other works or purposes of public use, utility, or convenience, and for the purposes of exercising the power to search for minerals hereinafter reserved, and such land so resumed to hold to Us, Our heirs and successors, as of Our or their former estate, without making to the lessee or any person claiming under him, any compensation in respect thereof; so, nevertheless, that the lands so to be resumed shall not exceed one-twentieth part in the whole of the lands aforesaid, and that no such resumption be made of any part of the said lands upon which any buildings may have been erected, or which may be enclosed and in use as gardens or otherwise for the more convenient occupation of any such buildings, or on which any other improvements as defined by the said Act have been made, without compensation: PROVIDED ALSO, that it shall be lawful at all times for Us, Our heirs and successors, or for any person or persons acting in that behalf by Our or their authority, to cut and take away any such indigenous timber, and to search and dig for and carry away any stones or other materials which may be required for making or keeping in repair any roads, tramways, railways, railway stations, bridges, canals, towing paths, harbour works, breakwaters, river improvements, drainage or irrigation works, and generally for any other works or puposes of public use, utility, or convenience, without making to the lessee, or any person claiming under him, any compensation in respect thereof: AND we do hereby save and reserve to Us, Our heirs and successors, all mines of gold, silver, copper, tin, or other metals, ore, and mineral, or other substances containing metals and all gems and precious stones, and coal or mineral oil and all phosphatic substances in and under the said land, with full liberty at all times to search and dig for and carry away the same; and for that purpose enter upon the said land or any part thereof: PROVIDED FURTHER that all improvements on the land hereby demised except those which are owned by a pastoral lessee are Our property, and shall be paid for by the lessee at such time and in such manner as Our Minister for Lands may direct: PROVIDED ALSO, that if the lessee, his executors, administrators, or assigns, shall, during the said term, at any time make default in payment of the rent hereby reserved, or shall fail or neglect to comply with, perform, or fulfil all or any of the conditions or provisions of the said Act, and on his part to be observed and performed, or if the lessee assigns or underlets the premises or any part thereof without the Minister's approval in writing, as required by the said Act, first obtained, it shall thereupon be lawful for Us, Our heirs and successors, into and upon the said land, or any part thereof in the name of the whole, to re-enter and the same to have again, repossess, and enjoy, together with all improvements thereon, without making any compensation to the lessee, his heirs, executors, administrators, or assigns: PROVIDED ALSO, that the lessee having complied with the conditions of these presents, shall be entitled at the expiration of the term hereby created to receive a grant in fee simple of the land hereby demised, paying the fees in respect thereof: AND PROVIDED further that the lessee having complied with the conditions of these presents as to rent, fencing, and residence, may at any time after five years from the commencement of the term hereby created pay in advance all rent to the end of the term, and shall thereupon be entitled to receive a grant in fee simple of the land hereby demised, paying the fees in respect thereof.

Plan herein referred to.

Scale *Chains to an inch.*

The measurements on the above plan are more or less, and a peg has been placed at each corner of the Lot.

IN WITNESS whereof we have caused our said Minister for Lands to affix hereto his seal and set his hand this day of , One thousand nine hundred and .

By order of the Minister for Lands.

Seventeenth Schedule.

APPLICATION FOR A CROWN GRANT

.....DIVISION.

Place and Date of Application.....

HAVING complied with the necessary conditions, I beg to apply for a Crown Grant of the land held by me under Lease No. 81.....

Location or Lot No.	Name at full length, address, and calling of Grantee.	Acreage.	District, Suburban Area, or Town (as the case may be).	Survey.	
				Plan.	Diagram

Signature of Applicant.....

Application approved, as shown above, to a depth of.....feet below the natural surface, this.....day of....., 19.....

.....

An Officer authorised in this behalf by the Governor.

By order of the Minister for Lands.

Date....., 19....

Eighteenth Schedule.

APPLICATION FOR A PASTORAL LEASE.

.....DIVISION.

Appln. No..... *District*.....

Place and Date of Application .....

I HEREBY apply for a pastoral lease of the Crown Land described below, under the provisions of Part VI .of the Land Act, 1933-1948.

Position and boundaries of land applied for:

Name at full length, address, and calling of Applicant.	Acreage applied for.	RENT, FEES, ETC.	
		Particulars.	Amount.

Signature of Applicant.....

Application approved, as shown above, this.....day of..... 19....

Term of lease to extend from.....19...., to....., 19..

.....

An Officer authorised in this behalf by the Governor.

By order of the Minister for Lands.

Nineteenth Schedule.

PASTORAL LEASE.

No..... ... Division.....

District or Locality.....

GEORGE THE SIXTH, by the Grace of God of Great Britain, Ireland, and of 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, and in exercise of the powers in this behalf to Us given by the Land Act, 1933-1948, 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 Part VI. of the said Act and except as hereinafter provided, for the term of.....years to be computed from the first day of....., 19...., until the .....day of..... 19...., YIELDING AND PAYING therefore unto Us, Our Heirs and Successors, the yearly rent of.....pounds 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-appraisement under the provisions of Part VI. of the said Act; and YIELDING AND PAYING, whenever the yearly rent is varied on re-appraisement, 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 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-nine of the said Act prescribed; or in case of the breach by the Lessee of any condition on which, in accordance with the said Act, 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, as required by the said Act 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 Section one hundred and two of the said Act, on condition that improvements, within the meaning of that term in Section one hundred and forty thereof, 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 of the said 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.

Provided also that this lease is granted subject to the powers, conditions and reservations relating thereto in Part VI. of the said Act contained, and the provisions of the Mining Act, 1904-1945, and the Forests Act, 1918-1931, and to all rights and privileges lawfully acquired or exercis-

able there under; 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 said Act 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....

Twentieth Schedule.

APPLICATION FOR A SPECIAL LEASE.

.....DIVISION.

District, Suburban Area or Town (as the case may be) .....

Appln. No..... *Location or Lot No*.....

Place and Date of Application .....

I HEREBY apply for a lease of the land described below, under the provisions of Section 116 of the Land Act, 1933-1948, for the purpose of....
.....

Position and boundaries of land applied for:

Name at full length, address, and calling of Applicant.	Acreage applied for.	RENT, FEES, ETC.	
		Particulars.	Amount.
			£ s. d

Signature of Applicant.....

Application approved, as shown above, to a depth of.....feet below the natural surface, and subject to necessary Roads and Reserves on Survey, if the land is not already surveyed this.....day of ....., 19...

Term of lease to extend from.....to.....

.....
An Officer authorised in this behalf by the Governor.

By order of the Minister for Lands.

Twenty-first Schedule.

Special Lease.

Division.

Lease No. {

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 where by the Land Act, 1933-1948, power is given to the Governor in Council of Our State of Western Australia to grant leases of any portion of land to any person for any special purpose upon the terms and conditions set forth in Section one hundred and sixteen of the said Act: And whereas of in the said State, has made application for a lease of the land hereinafter described for the special purpose of ; And whereas the Governor in Council has approved the granting of the said lease; We of Our especial Grace, and in consideration of the premises, and also in consideration of the rents hereinafter reserved and on the part of the said his executors, administrators, and assigns (hereinafter called "the Lessee"), to be paid, and in exercise of the powers in that behalf to us given by the said Act, do by these presents demise and lease to the said lessee the natural surface and so much of the land as is below the natural surface to a depth of feet of ALL THAT piece or parcel of land situated at and containing as delineated in the plan hereon, with the appurtenances: TO HAVE AND TO HOLD the premises hereby demised subject to the powers, reservations, and conditions herein and in the said Act contained, and with all the rights, powers, and privileges conferred by the said Act as are applicable hereto, unto the said lessee , for the term of years, to be computed from the day 19 , for the special purposes aforesaid. YIELDING AND PAYING therefor during the said term unto Us, Our heirs and successors, the yearly rent of without deduction, by equal payments half-yearly, in advance on or before the first day of March and the first day of September in every year, such rent to be paid to Our Minister for Lands of Our said State: PROVIDED, NEVERTHELESS, that it shall at all times be lawful for Us, Our heirs and successors, or for any person or persons acting in that behalf by Our or their authority, to resume and enter upon possession of any part of the said land which it may at any time by Us, Our heirs and successors, be deemed necessary to resume for roads, tramways, railways, railway stations, bridges, canals, towing paths, harbour or river improvement works, drainage or irrigation works, quarries, and generally for any other works or purposes of public use, utility, or convenience, and for the purposes of exercising the power to search for minerals hereinafter reserved, and such land so resumed to hold to Us, Our heirs and successors, as of Our or their former estate, without making to the lessee, or any person claiming under him, any compensation in respect thereof; so, nevertheless, that the lands so to be resumed shall not exceed one-twentieth part in the whole of the lands aforesaid, and that no such resumption be made of any part of the said lands upon which any buildings may have been erected, or which may be enclosed and in use as gardens or otherwise for the more convenient occupation of any such buildings, or on which any other improvements as defined by the said Act have been made, without compensation: PROVIDED ALSO, that it shall be lawful at all times for Us, Our heirs and successors, or for any person or persons acting in that behalf by Our or their authority, to cut and take away any such indigenous timber, and to search and dig for and carry away any stones or other materials which may be required for making or keeping in repair any roads, tramways, railways, railway stations, bridges, canals, towing paths, harbour works, breakwaters, river improvements, drainage or irrigation works, and generally for any other works or purposes of public use, utility, or convenience, without making to the lessee, or any person claiming under him, any

compensation in respect thereof; AND We do hereby save and reserve to Us, Our heirs and successors, all mines of gold, silver, copper, tin, or other metals, ore, and mineral, or other substances containing metals and all gems and precious stones, and coal or mineral oil and all phosphatic substances in and under the said land, with full liberty at all times to search and dig for and carry away the same; and for that purpose enter upon the said land or any part thereof: PROVIDED ALSO, that if the said lessee shall, during the term hereby created, at any time make default in payment of the rent hereby reserved. or shall fail or cease to use, hold, and enjoy the said land for the said special purpose, it shall thereupon be lawful for Us, Our heirs and successors into and upon the said 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 said lessee.

Plan.

↑
|
|
|
|

IN WITNESS whereof We have caused Our Minister for Lands to affix hereto his seal, and set his hand this day of 19 .

Twenty-second Schedule.

LICENSE TO QUARRY.

No.....

I,.....'....., Minister for Lands, do hereby grant to.....of..... license and authority to enter upon.....for the following purpose, namely, to quarry, dig for, and carry away rock soil or other material for building purposes [*or as the case may be*], subject to Section 118 of the Land Act, 1933-1948, and the regulations thereunder, and to the payment by the licensee of..... This license to be in force for.....months from the date hereof.

Dated, etc.

Twenty-third Schedule.

PERMIT TO OCCUPY TOWN OR SUBURBAN LAND.

(Section 142.)

No.....

WHEREAS.....of.....is entitled to receive a grant from the Crown of an estate in fee simple in all that tract or parcel of land situate and being in the Town of..... and marked and distinguished on the authenicated maps and in the books of the Department of Lands and Surveys, in the State of Western Australia, as.....from the natural surface to a depth of.....feet below the natural surface, but the said grant has not yet been prepared; Now know all men, and these presents witness, that I, ...in pursuance of the powers in me vested as Minister for Lands for the said State, do hereby authorise, empower, and permit the said.....and any person lawfully claiming under him, at any time after the date hereof, to enter upon the said tract or parcel of land, and to hold and enjoy the same for his use and benefit; subject to the provisos contained in the prescribed form of Crown Grant for Town and Suburban land under the Land Act, 1933-1948.

Given under my hand at Perth, on the.....day of..... 19.....

.....
An Officer authorised in this behalf by the Governor.

By order of the Minister for Lands.

Twenty-fourth Schedule.

PERMIT TO OCCUPY RURAL LAND.

(Section 142.)

No.....

WHEREAS.....of.....is entitled to receive a grant from the Crown of an estate in fee simple in all that tract or parcel of land situate and being in the District of..... and marked and distinguished on the authenicated maps and in the books of the Department of Lands and Surveys, in the State of Western Australia, as.....from the natural surface to a depth of.....feet below the natural surface, but the said grant has not yet been prepared: Now know all men, and these presents witness, that I, ...in pursuance of the powers in me vested as Minister for Lands for the said State, do hereby authorise, empower, and permit the said.....and any person lawfully claiming under him, at any time after the date hereof, to enter upon the said tract or parcel of land, and to hold and enjoy the same for his use and benefit; subject to the provisos contained in the prescribed form of Crown Grant for rural land under the Land Act, 1933-1948.

Given under my hand at Perth, on the.....day of..... 19.....

.....

An Officer authorised in this behalf by the Governor.

By order of the Minister for Lands.

Twenty-fifth Schedule.

FORM OF CERTIFICATE OF TRANSFER OF A LEASE OR LICENSE OF CROWN LANDS.

No..... Department of Lands and Surveys,

Perth,....., 19....

THIS is to certify that.....No....., has been transferred from.....to.....and that it now stands in the latter name in the Records of this Office, as shown below:—

.....

Under Secretary for Lands.

[*or other authorised officer.*]

Twenty-sixth Schedule.

TRANSFER.

I, ...being registered as .....of the land hereinafter described, subject to the encumbrances notified hereunder, in consideration of the sum of .....paid to me by..... DO HEREBY transfer to the said.....all my estate and interest in all that piece of land being.....

Dated the.....day of.....19....

Signed by the said..... } .....

in the presence of.....

Signed by the said..... } .....

in the presence of.....

RECEIVED this Transfer at.....o'clock the.....day of .....19....

.....

Accountant.

I APPROVE of the said transfer.

.....

An Officer authorised in this behalf by the Governor.

By order of the Minister.

Transfer registered..... Date.....

Twenty-seventh Schedule.

MEMORANDUM OF MORTGAGE.

Mortgage No.....

I, ...of....., being the registered holder of....., No..... under the provisions of.....in consideration of the sum of.....lent to (or due by) me to..... of.....hereby mortgage the said holding to him, and I do hereby covenant and agree with the said.....that I will pay him the said sum on..... [*insert such other covenants as may be agreed upon*]

.....

.....

and in default of performance on my part of the above covenants, or any of them, I authorise the said.....to sell the said holding in accordance with the provision of the Land Act, 1933-1948.

In witness whereof I have hereto signed my name this..... day of.....19....

.....

Signed by the above-named.....in my presence.

Witness.....

J.P. *or* Agent for the Minister.

Twenty-eighth Schedule.

CAVEAT.

To the Under Secretary of Lands, Department of Lands and Surveys, Perth.

Take notice that I [*insert name and addition*] claim [*specify the estate or interest claimed*] in [*describe land*] standing in the register book in the name of.....

And I forbid the registration of any person as transferee or proprietor of and of any instrument affecting the said estate or interest absolutely [*or* until after notice of any intended registration or registered dealing be given to me at the address hereinafter mentioned *or* unless such instrument be expressed to be subject to my claim *as the case may require*] I appoint.....as the place at which notices and proceedings relating to this caveat may be served.

Dated this.....day of.....19....

and

Signed in the presence of.....

By Authority: WILLIAM H. WYATT, Government Printer, Perth