

LA301

LAND ACT 1933
LAND AMENDMENT REGULATIONS 1995

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Land Amendment Regulations 1995*.

Commencement

2. These regulations come into operation on the day the *Land, Parks and Reserves Amendment Act 1995* comes into operation.

Schedule amended

3. The Schedule to the *Land Regulations 1968** is amended —

(a) in the index to forms —

(i) in the item relating to form 3, by inserting before “32” the following —

“ 9, ”; and .

(ii) by inserting the following item —

“ 32. Section 9 lease 9 ”;

(b) in form 3, by inserting before “32, 33, 116 and 117” the following —

“ 9, ”; and

(c) by inserting after form 31 the following form —

“

FORM 32

Land Act 1933

[Section 9]

LEASE

NOTE: All dealings with this lease must be in the forms prescribed under the *Transfer of Land Act 1893*.

Lease No.

Elizabeth the Second, by the Grace of God, Queen of Australia and Her other Realms and Territories, Head of the Commonwealth. To all of whom these presents shall come, GREETING: Know Ye that

whereas by section 9 of the *LAND ACT 1933*, power is given to the Governor to grant leases of any portion of Crown land to any person referred to in that section for the purposes referred to in that section: And whereas _____, in the said State, has made application for a lease of the land hereinafter described for the purposes of _____; And whereas the said Governor 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 _____ executors, administrators, and assigns (hereinafter called "the Lessee"), to be paid, and in exercise of the powers given by the 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 _____ metres of ALL THAT piece or parcel of land being _____ and containing _____ as delineated by a border of green colour on 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 Schedule below, and in the Act contained, and with all the rights, powers, and privileges conferred by the Act as are applicable hereto, unto the said Lessee, *for the term of _____ years* or in perpetuity**, to be computed from the _____ day of _____, for the purposes aforesaid: Yielding and Paying therefore *during the said term* or in perpetuity** unto Us, Our heirs and successors, the yearly rent of _____ without deduction, by equal payments half-yearly, in advance on or before First day of March and First day of September in every year, such rent to be paid to our Minister for Lands: 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 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 utility, or convenience, and for the purpose 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, or any person claiming under the Lessee, 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 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 such 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 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: and we do hereby save and reserve to Us, Our heirs and successors, all petroleum (as defined in the *Petroleum Act 1967*) on or below the surface of the said land with the right reserved to Us, Our Heirs and successors and persons authorized by Us, Our heirs and successors to have access to the said land for the purpose of searching for and for the operations of obtaining petroleum in any part of the said land subject to and in accordance with the *Petroleum Act 1967* or any Act repealing and enacted in substitution of that Act: 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 special purpose, or shall fail or neglect to comply with, perform or fulfil all or any of the conditions scheduled below, or the conditions or provisions of the Act, and 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.

**Delete whichever is not applicable.*

SCHEDULE OF CONDITIONS
PLAN HEREIN REFERRED TO

Scale: _____

Dated this 18th day of July 1995.

MICHAEL JEFFREY, Governor.

[*Reprinted as at 1 July 1993.]
By His Excellency's Command,

JOHN PRITCHARD, Clerk of the Council.