

# LAND.

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No. 55 of 1971.

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AN ACT to add section fifteen B to, and amend sections one hundred and one A, one hundred and two, and one hundred and thirty-nine of, the Land Act, 1933-1969.

[Assented to 15th December, 1971.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Land Act Amendment Act, 1971*. Short title and citation.

(2) In this Act the Land Act, 1933-1969 is referred to as the principal Act. Vol. 21 of the Reprinted Acts.

(3) The principal Act as amended by this Act may be cited as the Land Act, 1933-1971. Approved for reprint 14th February, 1968 and further amended by Acts Nos. 67 of 1968 and 29, 55 and 93 of 1969.

Commence-  
ment.

2. (1) This Act, except section 3, shall come into operation on the date the Act receives the Royal Assent.

(2) Section 3 of this Act shall come into operation on a date to be fixed by proclamation.

Addition of  
s. 15B.

3. The principal Act is amended by adding after section 15A a section as follows—

Cessation of  
marketable  
timber  
reservations  
to the  
Crown.

15B. On and after the date of coming into operation of this section, notwithstanding any other provision in or under this Act, any other Act, or any Act repealed by this Act—

- (a) there shall not be in any Crown Grant, conditional purchase lease, or conditional purchase license issued under this Act any reservation to the Crown of a right to take marketable timber on land the subject of the Grant, lease, or license, as the case may be;
- (b) any such reservation in a Crown Grant, conditional purchase lease, or conditional purchase license issued before that date under this Act or any Act repealed by this Act shall be of no effect;
- (c) no permit shall be granted, and no license shall be issued, under the Forests Act, 1919 in respect of marketable timber on land the subject of a Crown Grant, conditional purchase lease, or conditional purchase license issued at any time under this Act or any Act repealed by this Act; and
- (d) any permit granted, or any license issued, before that date under the Forests Act, 1919 in respect of marketable timber on land the subject of a Crown Grant, conditional purchase

lease, or a conditional purchase license issued under this Act or any Act repealed by this Act shall be of no effect. .

4. Subsection (1) of section 101A of the principal Act is amended—

Amendment to s. 101A. (Minister may grant relief from payment of rent in certain cases.)

- (a) by adding after the word “cyclone”, in line two of paragraph (a), the passage “, fire”;
- (b) by adding after the word “drought”, in lines one and three of paragraph (b), the words “or fire” in each case; and
- (c) by adding after the word “cyclone”, in line three of paragraph (c), the passage “, fire, ”.

5. Subsection (3) of section 102 of the principal Act is amended by substituting for paragraph (a) a paragraph as follows—

Amendment to s. 102. (Improvement conditions.)

(a) Every lessee of a pastoral lease, not being a pastoral lease to which subsection (1) of this section applies, within twelve months after the commencement of his lease, or, in the case of a lease in existence at the date of coming into operation of section five of the Land Act Amendment Act, 1971, within twelve months after that date, and at the end of each period of five years thereafter, shall furnish to the Under Secretary for Lands a return setting forth the improvements that have been effected on the land subject of his lease and containing a plan showing, in respect of the next succeeding five years of the lease, particulars of the improvements that the lessee proposes to effect on any portion of that land and the proposed situation on those portions of that land of those improvements, and shall in the plan provide for the reasonable development of those

portions of that land which, in the estimation of the Pastoral Appraisal Board, are capable of being developed for or in connection with pastoral purposes in accordance with the plan during that five years. .

Amendment  
to  
section 139.  
(Rents.)

6. Section 139 of the principal Act is amended—

(a) by adding after subsection (2) subsections as follows—

(2a) Where for a lease granted under Part III, VI, or VII of this Act the rent levied under this Act for any period after the first day of July, 1970 has not been paid the Minister may defer or cancel that rent or part of it, or where it has been paid he may refund it or part of it, if he is, on the application of the lessee, satisfied that the lessee has suffered personal hardship by reason of such economic conditions as, in the opinion of the Minister, warrant the rent or part of it being deferred, cancelled, or refunded, as the case may be.

(2b) Any amounts that are required to refund rent under subsection (2a) of this section shall be paid out of the Public Account which is to the necessary extent hereby appropriated accordingly. ;  
and

(b) by substituting for the word "If", in line one of subsection (3), the passage "Except as otherwise provided under subsection (2a) of this section, if".

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