

LAND (No. 2).

No. 65 of 1965.

AN ACT to amend sections forty-one, forty-six, forty-seven, fifty-three, fifty-four, seventy-five, ninety-eight, one hundred and fifteen, one hundred and twenty-seven, one hundred and thirty-nine, one hundred and thirty-nine B and one hundred and forty-three of, and the Seventh Schedule to, the Land Act, 1933-1965.

[Assented to 19th November, 1965.]

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 (No. 2)*, 1965. Short title and citation.

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Vol. 18 of the
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Acts.
Approved
for Reprint,
10th March,
1964, and
amended by
Act No. 20
of 1965.

(2) In this Act the Land Act, 1933-1965, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Land Act, 1933-1965.

S. 41
amended.

2. Section forty-one of the principal Act is amended by adding after subsection (3) the following subsection—

(4) On payment of the final instalment of the purchase money, and in the case of suburban lots provided that the prescribed conditions as to fencing and improvements have been complied with and maintained, a Crown grant shall be issued on payment of the prescribed fee of two pounds. .

S. 46
amended.

3. Section forty-six of the principal Act is amended—

- (a) by adding immediately after the section number, “46.” in line one, the subsection designation, “(1)”;
- (b) by substituting for the word, “Governor” in line one, the word, “Minister”;
- (c) by deleting the passage, “further,” in line one of the proviso; and
- (d) by adding at the end of the section, the following subsection—

(2) An incorporated company is not eligible to select or acquire any lands under this Division of this Part of this Act. .

S. 47
amended.

4. Section forty-seven of the principal Act is amended—

- (a) by deleting the passage commencing with the words, “A sum” in line two of subsection (3) down to the end of that subsection;

- (b) by inserting after the word, "equal" in line three of subparagraph (i) of paragraph (b) of subsection (4), the passage, ",", or as nearly equal as may be practicable,";
- (c) by substituting for the words, "six months from the date of", in lines one and two of subparagraph (i) of paragraph (c) of subsection (4), the words, "two years from the date of the approval of application for";
- (d) by substituting for the words, "first five years from the commencement" in lines nine and ten of subparagraph (i) of paragraph (c) of subsection (4), the words, "following three years";
- (e) by substituting for the word, "twenty" in line eight of the first proviso to subparagraph (i) of paragraph (c) of subsection (4), the word, "fifty";
- (f) by deleting the words, "during a period of five years" in the penultimate and last lines of the third proviso to subparagraph (i) to paragraph (c) of subsection (4);
- (g) by substituting for subparagraph (ii) of paragraph (f) of subsection (4), the following subparagraph—
 - (ii) shall effect in improvements by way of clearing and cultivation at least ten per centum of the total area of the land in the first two years from the date of approval of the application for the lease and at least five per centum of the total area of the land in each of the next following eight years, and progressively sow to pasture or crop, or to both, to ensure that at least twenty per centum of the total area of the land is or has been so sown by the end of the fifth year and fifty per centum of the total area of the land by the end of the eleventh year, and shall fence in at least the cleared and cultivated land within the first five years from

the date referred to in this subparagraph and the whole of the land within ten years from that date;

Provided that the Minister in his discretion may vary either or both the percentage or type of improvements required to be effected in any one year or number of years:

Provided also that where in any year the percentage of improvements effected exceeds the percentage required to be effected under this subparagraph, the amount of the excess may be credited towards the percentage of improvements required to be effected in a subsequent year. ;

- (h) by deleting subparagraph (iii) of paragraph (f) of subsection (4);
- (i) by substituting for the words, "the lease and thereafter to continue" in lines three and four of the paragraph immediately following subparagraph (iii) of paragraph (f) of subsection (4), the words, "approval of the application for the lease and thereafter to continue and maintain"; and
- (j) by inserting after the word, "conditions" in line three of subsection (5), the words, "in respect of the total period of the lease".

S. 53
amended.

5. Section fifty-three of the principal Act is amended by deleting all the words after the word, "regulations" in line three of paragraph (d) of subsection (2) down to and including the word, "price", being the last word in that paragraph.

S. 54
amended.

6. Section fifty-four of the principal Act is amended by substituting for paragraph (c) of subsection (2), the following paragraph—

- (c) The application shall be in the form or to the effect of the Tenth Schedule. .

7. Section seventy-five of the principal Act is amended by deleting the word, "pounds" in line eight. S. 75
amended.

8. Section ninety-eight of the principal Act is amended— S. 98
amended.

(a) by substituting for the words, "contiguous to" in the last line of paragraph (b) of subsection (9), the words, "in the same locality as"; and

(b) by substituting for the passage, "subsection (5)" in line ten of paragraph (a) of subsection (10), the passage, "subsection (2)".

9. Section one hundred and fifteen of the principal Act is amended— S. 115
amended.

(a) by deleting the words, "to any incorporated company" in lines two and three of paragraph (c) of subsection (1); and

(b) by inserting after the word, "any" in line five of paragraph (c) of subsection (1), the passage, "lessee, or in the case of an incorporated company, any".

10. Section one hundred and twenty-seven of the principal Act is amended— S. 127
amended.

(a) by deleting the word, "pounds" in line three of paragraph (1); and

(b) by substituting for paragraph (3), the following paragraph—

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

S. 139
amended.

11. Section one hundred and thirty-nine of the principal Act is amended by repealing subsection (3) and re-enacting it with amendments as follows—

(3) If a lessee fails to pay the rent due by him on the first day of April or the first day of October 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 ten per centum, and if he fails to pay for sixty days, his lease and the lands comprised therein, and all improvements thereon, may be forfeited. .

S. 139B
amended.

12. Section one hundred and thirty-nine B of the principal Act is amended by substituting for the passage commencing with the word, "grazing" in line four of subsection (9) down to the end of that subsection, the passage, "land."

S. 143
amended.

13. Section one hundred and forty-three of the principal Act is amended—

(a) by inserting after the word, "sublet", being the last word in subsection (2), the passage, ", or the Minister may, in his absolute discretion, refuse to approve any transfer, sublease or other dealing";

(b) by repealing subsection (2a) and re-enacting it with amendments as follows—

(2a) (a) The holder of any lease or license shall not without the approval in writing of the Minister being first obtained—

(i) sell, assign or otherwise dispose of the lease or license in whole or in part; or

(ii) agree to sell, assign or dispose of the lease or license in whole or in part.

(b) Where the holder of a lease or license contravenes the provisions of paragraph (a) of this subsection, the lease or the license, as the case may be, may be forfeited. ; and

(c) by repealing subsection (4) and re-enacting it with amendments as follows—

(4) Subject to the provisions of section one hundred and fifteen of this Act, except in special cases to be approved by the Minister no area leased under section ninety-eight of this Act shall be transferred or sublet until after the expiration of five years from the commencement of the lease, and then only if the lessee has complied with the conditions relating to improvements and stocking as prescribed by sections one hundred and two and one hundred and three of this Act respectively. .

14. The Seventh Schedule to the principal Act is amended by substituting for the passage, "1,000 acres of cultivable land and 2,500 acres of grazing land, or the equivalent area of grazing and cultivable land mixed, or 5,000 acres of grazing land" in lines fifteen, sixteen, seventeen and eighteen, the passage, "5,000 acres of land".

Seventh
Schedule
amended.
