

## LAND.

12° Elizabeth II., No. LX.

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No. 60 of 1963.

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**AN ACT** to amend sections three, forty-seven, ninety-eight to one hundred (both inclusive), one hundred and one A to one hundred and three (both inclusive), one hundred and nine to one hundred and nine B (both inclusive), one hundred and thirteen to one hundred and fifteen (both inclusive), one hundred and thirty-nine and one hundred and forty of, and the Nineteenth Schedule to, the Land Act, 1933-1962; and to repeal sections fifty-five, fifty-six, ninety-two to ninety-six (both inclusive) and one hundred and one of that Act.

[Assented to 18th December, 1963.]

**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:—

Short title  
and citation.

1. (1) This Act may be cited as the *Land Act Amendment Act, 1963*.

(2) In this Act the Land Act, 1933-1962, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Land Act, 1933-1963.

Vol. 12 of the Reprinted Acts.

Approved for reprint, 27th May, 1958, and amended by Acts No. 12 of 1958, No. 36 of 1958, No. 6, of 1960, and No. 41 of 1962.

Commencement.

2. This Act shall come into operation on a day to be fixed by proclamation.

3. Section three of the principal Act is amended—

S. 3 amended.

(a) by adding immediately after the interpretation “Adjoining” in subsection (1), the following interpretation—

“Bed” with reference to a water-course means the land over which the water of the water-course normally flows, whether permanently or intermittently; but does not include land that is from time to time temporarily covered by flood waters of the water-course. ;

(b) by adding after the word, “waters” being the last word in the interpretation, “Crown Lands” in subsection (1), the passage, “, and includes, for the purposes of sections one hundred and sixteen and one hundred and eighteen of this Act, all lands below low water mark on the seashore and on the banks of tidal waters and all lands being the beds of water-courses”;

(c) by adding at the end of subsection (1) the following interpretation—

“Water-course” means a river, stream or creek in which water flows in a natural channel, whether permanently or intermittently. ; and

(d) by adding after the word, “waters” being the last word in subsection (2), the passage, “, and for the purposes of sections one hundred and sixteen and one hundred and

eighteen of this Act all lands below low water mark on the seashore and on the banks of tidal waters and all lands being the beds of water-courses”.

S. 47  
amended.

4. Section forty-seven of the principal Act is amended by adding to subparagraph (a) of paragraph (1) the following proviso—

Provided that the Governor may reduce the maximum area that may be acquired in prescribed localities.

Ss. 55 and 56  
repealed.

5. Sections fifty-five and fifty-six of the principal Act are repealed.

Ss. 92, 93, 94,  
95 and 96  
repealed.

6. Sections ninety-two, ninety-three, ninety-four, ninety-five and ninety-six of the principal Act are repealed.

S. 98  
amended.

7. Section ninety-eight of the principal Act is amended—

- (a) by substituting for the passage, “thirty-first day of December, one thousand nine hundred and eighty-two” in lines three and four of subsection (1), the passage, “thirtieth day of June in the year two thousand and fifteen”;
- (b) by substituting for the words, “a Board of Appraisers consisting of the Surveyor General and two members to be appointed by the Governor” in lines five, six, seven and eight of subsection (1), the passage, “the Pastoral Appraisalment Board constituted under and in accordance with the provisions of subsection (2) of this section”;
- (c) by substituting for subsection (2) the following subsection—
  - (2) (a) On the coming into operation of the Land Act Amendment Act, 1963, there shall be constituted a Board by the

name of the Pastoral Appraisement Board having the functions and powers prescribed and conferred by this Act and consisting of four members of whom—

- (i) one shall be the person for the time being holding the office of Surveyor General under this Act, who shall be the Chairman of the Board;
- (ii) one shall be the person for the time being holding the office of Director of Agriculture in the Department of Agriculture in the State; and
- (iii) subject to the provisions of paragraph (b) of this subsection, two shall be persons appointed by the Governor which persons shall hold office for a period of five years on such terms and conditions as the Governor determines and shall be eligible for re-appointment.

(b) Upon the constitution of the Pastoral Appraisement Board under this subsection, the Board of Appraisers constituted under the provisions of subsection (1) of this section as those provisions existed prior to the coming into operation of the Land Act Amendment Act, 1963, is abolished, but a person appointed by the Governor to be a member of the Board of Appraisers and holding office immediately before its abolition, shall be a member of the Pastoral Appraisement Board as if he had been appointed such a member under this subsection.

(c) At a meeting of the Pastoral Appraisement Board three members constitute a quorum, and if the chairman is absent, the members present shall appoint one of their number to preside at that meeting.

(d) The Pastoral Appraisement Board constituted under this subsection is hereafter in this section referred to as, "the Board".

(e) Notwithstanding anything contained in this subsection, an appointed member of the Board may be removed from office at any time by the Governor; and in the event of the death, resignation or removal from office of an appointed member the Governor may appoint a successor who shall hold office for the unexpired period of the term of office of that member. ;

(d) by adding at the end of the second proviso to subsection (3), the passage, "but the provisions of this proviso apply only to leases that are due to expire on the thirty-first day of December, one thousand nine hundred and eighty-two:" ;

(e) by adding after the second proviso to subsection (3) the following further proviso—

Provided further that—

(a) in respect of any lease granted in the Kimberley Division, not being a lease that is due to expire on the thirty-first day of December, one thousand nine hundred and eighty-two, the rent payable shall on the first day of July in the year 1969, and again on the first day of July in each of the years 1979, 1989, 1999 and 2009, be subject to re-assessment as on and from each of those dates respectively by the Minister on the advice of the Board;

(b) in respect of any lease granted in any Division other than the Kimberley Division, not being a lease that is due to expire on the

thirty-first day of December, one thousand nine hundred and eighty-two, the rent payable shall on the first day of July in the year 1967, and again on the first day of July in each of the years 1977, 1987, 1997 and 2007, be subject to re-assessment as on and from each of those dates respectively by the Minister on the advice of the Board;

- (c) (i) in respect of any lease granted in any Division, not being a lease that is due to expire on the thirty-first day of December, one thousand nine hundred and eighty-two, the lessee may, at any time not less than five years nor more than six years after the date on which a re-assessment of the rent in respect of that lease became effective, apply to the Minister to have that rent reviewed by the Board, and thereupon the Minister shall direct the Board to hear the application;
- (ii) the Board shall fix a time and place for the hearing of the application and cause notice in writing thereof to be given to the applicant lessee, and the Board may upon such hearing maintain or vary the assessment the subject of the review and fix the rent in respect of the lease accordingly, and thereupon shall cause written notice of its decision to be given to the applicant lessee. ; and

(f) by adding after subsection (6) the following subsections—

(7) (a) In the case of land selected for pastoral leasing after the coming into operation of the Land Act Amendment Act, 1963, if during any year of the first three years of the lease of that land the lessee expends, in accordance with the approved plan referred to in section one hundred and two of this Act, a sum not less than that equal to two and one-half times the rent payable for that year in respect of the lease in effecting substantial improvements of a permanent and fixed nature, but not including the erection of a homestead or house, the Minister may waive payment by the lessee of the rent in respect of that year.

(b) For the purposes of paragraph (a) of this subsection the term "year" means a period of twelve months ending on the thirtieth day of June.

(c) Notwithstanding the provisions of paragraph (a) of this subsection, if a pastoral lease is transferred within a period of seven years from its commencement, the Minister may if he thinks fit revoke any waiver of payment of rent made by him under the provisions of this subsection and thereupon the whole or part, as the Minister may determine, of the rent of which payment was so waived shall be payable by the lessee and until so paid be a charge against the land the subject of the pastoral lease.

(8) Where under and in pursuance of the provisions of the Soil Conservation Act, 1945, grazing of livestock is prohibited on all or part of the land comprised in a pastoral lease, the lessee shall be exempt from payment of rent in respect of that land in proportion to the area thereof so affected, but the lessee

shall nevertheless be liable during the period of exemption to comply with the requirements of the Vermin Act, 1919, for the control of vermin on or in respect of the land so affected.

(9) (a) After the coming into operation of the Land Act Amendment Act, 1963, a pastoral lease shall not be granted unless the Board is of opinion that the land comprised in the lease will be capable when fully developed of carrying not less than six thousand sheep or not less than one thousand two hundred cattle, or such other respective numbers of sheep or cattle as are at the time application is made for the lease, prescribed by the regulations for the purposes of this subsection; but this subsection does not apply to a new lease applied for under the provisions of section one hundred and fourteen of this Act.

(b) Notwithstanding the provisions of paragraph (a) of this subsection, but subject to the provisions of section one hundred and thirteen of this Act, a pastoral lease of land that in the opinion of the Board will not be capable when fully developed of carrying stock to the numbers referred to in that paragraph may be granted to the lessee of any land that is contiguous to that land.

(10) (a) A lessee of a pastoral lease who becomes either by application or by transfer the lessee of land contiguous to the land the subject of his pastoral lease in addition to the land so subject shall apply for a grant to him in lieu of that pastoral lease of a new lease under this Part of this Act for the land the subject of that pastoral lease and including therein that contiguous land, and upon the application being approved the provisions of subsection (5) of section



one hundred and fourteen of this Act shall apply to that new lease as if it were a new lease granted under the provisions of that section.

(b) When the rent payable in respect of the contiguous land referred to in paragraph (a) of this subsection has been assessed in accordance with the provisions of this Part of this Act, the rent payable in respect of the land the subject of the new lease shall be adjusted so that such rent is the aggregate of the sum payable for rent under the pastoral lease in lieu whereof a new lease has been granted and the sum payable in respect of the contiguous land.

(11) (a) At any time during the year one thousand nine hundred and ninety-five a lessee of a pastoral lease may apply in writing to the Minister requesting to be informed as to whether the Minister will upon the expiration of the pastoral lease extend that lease or grant to the lessee a new lease of the whole or part of the land the subject of that lease and if so, at what rent and upon what other terms and conditions not inconsistent with this Act.

(b) On receipt of an application pursuant to paragraph (a) of this subsection the Minister shall consider and determine the matters referred to in that paragraph and shall give to the lessee notice in writing of his decision not later than the thirty-first day of December, one thousand nine hundred and ninety-seven.

(c) A notice to a lessee pursuant to paragraph (b) of this subsection shall be deemed an offer of a lease or, as the case may be, an extension of a lease, at the rent and on the other terms and

conditions specified in the notice, and the lessee may accept the offer at any time within one year from the date that the notice is given.

8. Section ninety-eight A of the principal Act is amended by substituting for the words, "Board of Appraisers" in line one of subsection (1), the passage, "Pastoral Appraisement Board (hereafter in this section referred to as "the Board"))". S. 98A  
amended.

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

(a) by substituting for the word, "Board" in line seven of subsection (2), the words, "Pastoral Appraisement Board"; and

(b) by adding after subsection (3) the following subsection—

(4) This section applies only to pastoral leases that are due to expire on the thirty-first day of December, one thousand nine hundred and eighty-two.

10. Section ninety-nine of the principal Act is amended— S. 99  
amended.

(a) by substituting for the words, "the last preceding section" in lines two and three of subsection (1), the passage, "section ninety-eight of this Act"; and

(b) by substituting for the words, "Board of Appraisers" in line four of subsection (1), the passage, "Pastoral Appraisement Board (hereafter in this section referred to as "the Board"))".

11. Section one hundred of the principal Act is amended by substituting for the words, "Board of Appraisers" in lines one and two of subsection (2), the words, "Pastoral Appraisement Board". S. 100  
amended.

S. 101  
repealed.

12. Section one hundred and one of the principal Act is repealed.

S. 101A  
amended.

13. Section one hundred and one A of the principal Act is amended—

- (a) by substituting for the passage, “thirty-first day of December” in line two of subsection (1), the words, “thirtieth day of June”; and
- (b) by substituting for the words, “Board of Appraisers” in line three of the proviso to subsection (1), the words, “Pastoral Appraisement Board”.

S. 101B  
amended.

14. Section one hundred and one B of the principal Act is amended by substituting for the words, “Board of Appraisers” in line two, the words, “Pastoral Appraisement Board”.

S. 102  
amended.

15. Section one hundred and two of the principal Act is amended—

- (a) by adding immediately after the section number, “102” in line one, the subsection designation, “(1)”; and
- (b) by adding after the word, “lease” being the last word in the section, the following subsections—

(2) The provisions of subsection (1) of this section apply only to pastoral leases that are due to expire on the thirty-first day of December, one thousand nine hundred and eighty-two.

(3) (a) Every lessee of a pastoral lease, not being a pastoral lease to which subsection (1) of this section applies, shall within twelve months after the commencement of his lease furnish to the Under Secretary for Lands a return setting forth the improvements that

have been effected on the land the subject of his lease and containing a plan showing particulars of the improvements that the lessee proposes to effect on that land and the proposed situations thereon of those improvements, and shall by such plan provide for the reasonable development of all portions of that land capable of being utilised for or in connection with pastoral purposes.

(b) On receipt of the plan referred to in paragraph (a) of this subsection the Under Secretary for Lands shall submit it to the Pastoral Appraisement Board for consideration, and such Board shall advise the Minister as to whether the plan makes proper provision for the reasonable development of usable land and may recommend the Minister to approve the plan either without modification or subject to such modifications as the Board specifies.

(c) Where pursuant to the provisions of this subsection the Minister approves a plan of improvements proposed to be effected by the lessee of a pastoral lease on the land the subject of his lease, no improvements shall be effected to that land except in accordance with the plan so approved; but notwithstanding the provisions of this paragraph, the Minister may from time to time, at the request of the lessee and on the recommendation of the Pastoral Appraisement Board, permit the lessee to effect improvements on the land other than in accordance with the plan so approved.

(4) (a) Every lessee of a pastoral lease not being a lease to which subsection (1) of this section applies, shall expend in each year in effecting improvements on the land the subject of his lease a sum not less than that equal to two and

one-half times the rent payable for that year in respect of that land, until such time as the proposed improvements shown in the plan approved by the Minister pursuant to the provisions of subsection (3) of this section have been fully effected; but where in any case the sum so expended by the lessee in any year (not being money expended during the term of a pastoral lease that is due to expire on the thirty-first day of December, one thousand nine hundred and eighty-two) exceeds the sum that under this paragraph the lessee would be required to expend during that year, the amount of such excess may be credited towards the sum required to be expended by the lessee during a subsequent year.

(b) Every lessee of a pastoral lease shall furnish to the Under Secretary for Lands annually not later than the thirty-first day of December a return in the prescribed form showing full particulars of the improvements effected on the land the subject of his lease during the year next preceding that date and the cost of those improvements.

(c) For the purposes of this subsection the term "year" means a period of twelve months ending on the thirtieth day of June.

S. 103  
amended.

16. Section one hundred and three of the principal Act is amended—

- (a) by adding immediately after the section number, "103" in line one, the subsection designation, "(1)"; and
- (b) by adding after the word, "leased" being the last word in the section, the following subsections—

(2) The provisions of subsection (1) of this section apply only to pastoral leases that are due to expire on the

thirty-first day of December, one thousand nine hundred and eighty-two.

(3) (a) Every pastoral lease, other than a pastoral lease to which subsection (1) of this section applies, is liable to forfeiture if the land the subject of that lease is not stocked or kept stocked with such number of sheep or cattle, or both sheep and cattle, as the Pastoral Appraisal Board in its opinion, on a fair and reasonable assessment of the capacity of that land for the carrying of stock, having regard to all the circumstances including the seasonal climatic conditions affecting the land and the period of time that has elapsed since the commencement of the lease, considers to be a number sufficient for stocking and keeping stocked that land; but no such pastoral lease shall be forfeited under this section until such notice has been given to the lessee as the Minister considers reasonable in the circumstances of the case.

(b) Where the number of sheep or cattle, or both sheep and cattle, being depastured upon the land the subject of a pastoral lease to which paragraph (a) of this subsection applies, exceeds the number that the Pastoral Appraisal Board considers that land is reasonably capable of carrying, to an extent that is likely in the opinion of that Board to adversely affect the capacity of that land for the carrying of stock, the Minister may by notice in writing—

- (i) prohibit the lessee from increasing the number of stock then so depastured; or
- (ii) require the lessee to reduce the stock so depastured to either or both a number or kind to be specified in the notice within a time to be so specified; or

- (iii) require the lessee to provide and maintain suitable fencing for the prevention or control of grazing on any area which is portion of the lease and which, in the opinion of the Board, has been adversely affected by excessive numbers of stock being depastured thereon,

and the Minister may by such notice also require the lessee to comply with such other requirements in respect to the stocking of the land as on the recommendation of the Pastoral Appraisement Board the Minister may think necessary or advisable and specifies in the notice.

(4) A lessee of a pastoral lease to which subsection (3) of this section applies—

- (a) shall furnish to the Under Secretary for Lands annually not later than the thirty-first day of December a return in the prescribed form setting forth the respective numbers of sheep, cattle and horses with which the land the subject of his lease was stocked on the next preceding thirtieth day of June;
- (b) shall not cause or permit stock to be agisted on any part of the land the subject of his lease unless he first obtains the permission in writing of the Minister on the recommendation of the Pastoral Appraisement Board to such agistment;
- (c) shall at all times during the term of his lease use, manage and work the land the subject of his lease as a pastoral property in a proper and husbandlike manner and according to the most sound and approved

methods of pastoral husbandry in relation to sheep and cattle and to the management, conservation and regeneration of pasture for pastoral purposes that prevail in the district wherein the land is situated to the intent that the land is utilised to the best advantage as a pastoral property.

(5) Any pastoral lease to which subsection (3) of this section applies is liable to forfeiture if the lessee permits or suffers all or part of the land the subject of that lease to deteriorate to such extent as to necessitate in the opinion of the Minister a lengthy period of protection from the grazing thereon of stock in order to effect regeneration of pasture, or to be utilised in such manner that the land is likely in the opinion of the Minister to deteriorate to that extent if depasturing of stock is continued thereon.

17. Section one hundred and nine of the principal Act is amended— S. 109  
amended.

- (a) by substituting for the passage, "Subject as hereinafter provided, the" in line one, the passage "(1) The";
- (b) by substituting for the passage, " , or any other purpose as in the public interest he may think fit" in lines five and six, the passage, "or industry, or to enable the land to be declared open for selection for pastoral purposes and again leased under the provisions of this Part, subject to subsection (2) of this section, or as in the opinion of the Governor may be required for any purpose of public utility or for otherwise facilitating the improvement and settlement of the State"; and



(c) by adding a subsection as follows:—

(2) In the granting of a lease under the provisions of this Part of any land that pursuant to this section is resumed and declared open for selection for pastoral purposes, regard shall be had and consideration be given to encouraging and promoting the working of pastoral leases as family units and to making available further land to resident holders of small pastoral leases.

S. 109A  
amended.

18. Section one hundred and nine A of the principal Act is amended—

- (a) by substituting for the passage, “for the purpose of being declared open for selection under Part V” in lines three and four of subsection (1), the words, “pursuant to the powers conferred by section one hundred and nine”;
- (b) by substituting for the passage commencing with the word, “and” in line three of subsection (2) down to and including the word, “Act” being the last word in that subsection, the words, “pursuant to the powers conferred by section one hundred and nine of this Act”;
- (c) by repealing subsection (3);
- (d) by substituting for the passage, “the said period of three months mentioned in subsection (3) hereof” in lines one and two of subsection (5), the words, “a period of three months from the date of the notice given to him under subsection (1) of this section”; and
- (e) by adding after the word, “operate” in the last line of paragraph (ii) of the proviso to subsection (7), the passage, “, but subject nevertheless also to the provisions of subsection (9) of section ninety-eight of this Act”.

19. Section one hundred and nine B of the principal Act is amended—

S. 109B  
amended.

- (a) by deleting the passage commencing with “, and” in line two of paragraph (b) of subsection (1) down to and including the word, “be” being the last word in that paragraph; and
- (b) by substituting for the passage commencing with the word, “If” in line one of paragraph (c) of subsection (1) down to and including the word, “aforesaid” in line eight of that paragraph, the passage “After the expiration of a period of three months from the date of the notice given under paragraph (a) of this subsection”.

20. Section one hundred and thirteen of the principal Act is amended by adding after subsection (11) a subsection as follows—

S. 113  
amended.

(12) (a) The Governor may authorise the Minister on behalf of the State—

- (i) to enter into and carry out any agreement for the leasing for pastoral purposes of any area or areas of Crown land, at rentals to be fixed under the provisions of section ninety-eight of this Act and subject to such conditions and containing such covenants as the Governor approves, but only if the agreement is made with a body corporate approved by the Governor and contains a covenant by which that body corporate is bound to develop and utilise the land for pastoral purposes approved by the Governor; and
- (ii) to sue and be sued, compromise claims and actions, and enter into submissions to arbitration, in respect of any matter arising out of, or in connection with, the agreement or its interpretation.

(b) Any agreement entered into pursuant to the provisions of paragraph (a) of this subsection shall be ratified by Parliament and failing such ratification within six months of the date of such agreement it shall be void and of no effect.

(c) The Governor may exercise the power conferred by paragraph (a) of this subsection and the Minister may act upon and in accordance with any authorisation conferred in exercise of the power, notwithstanding any other provisions of this Act or the provisions of any regulations, whether limiting the area of Crown land that may be leased for pastoral or other purposes under this Act, or prescribing the manner in which, or the rental or consideration for which, or the conditions subject to which, Crown land may be leased under this Act, or otherwise affecting or related to the leasing of Crown land under this Act.

S. 114  
amended.

21. Section one hundred and fourteen of the principal Act is amended—

(a) by repealing and re-enacting subsection (1) with amendments as follows—

(1) (a) Any lessee holding a pastoral lease granted under this Act or under any previous Act for a term expiring on the thirty-first day of December, one thousand nine hundred and eighty-two, may apply in the prescribed form to the Under Secretary for Lands at any time, subject to paragraph (b) of this subsection, not later than the thirty-first day of December, one thousand nine hundred and sixty-four, for a grant to him in lieu of that pastoral lease of a new lease under this Part of this Act, or if the land leased by the lessee for pastoral purposes is comprised in more than one such pastoral lease and the lessee satisfies the Under Secretary for Lands that such land is run and

utilised as one pastoral station or property, for a grant to him in lieu of those pastoral leases of one new lease comprising all the land the subject of those pastoral leases, but subject nevertheless to the provisions of section one hundred and thirteen of this Act, and every new lease granted under this paragraph shall be for a term expiring on the thirtieth day of June, in the year two thousand and fifteen.

(b) Notwithstanding the provisions of paragraph (a) of this subsection, the Minister may at the request of the lessee of a pastoral lease extend the time of application for the grant of a new lease until the thirtieth day of June, one thousand nine hundred and sixty-five in any case where in his opinion special circumstances exist that warrant such extension being granted.

(c) Where application is made under this subsection by the lessee of one or more pastoral leases for a grant to him in lieu of that lease or leases of a new lease and any such pastoral 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, the consent of the mortgagee or encumbrancer is necessary on such application.

(d) Every lessee of a pastoral lease shall in his application under this subsection for the grant to him of a new lease state the name given or intended to be given to his pastoral station or property and under which it will be carried on, and the Minister may at his discretion approve of that name, or reject that name and direct the lessee to submit within three months another name or names for his approval.

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

(2) If the application made under subsection (1) of this section for a new lease is approved by the Minister the following matters and things shall be done and take effect:—

- (a) The Under Secretary for Lands shall forward notice in writing to the applicant and serve notice of such approval on the Registrar of Titles.
- (b) Subject to the payment of the fees that may be prescribed in respect of such application on the approval of the application and after service of the notice on the Registrar of Titles pursuant to paragraph (a) of this subsection, the lease or leases the subject of the application is or are by force of this Act surrendered to the Crown and the Registrar of Titles shall endorse the lease or leases in the register book accordingly.
- (c) 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 on that lease 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, to which the surrendered lease or leases was or were subject, and enter that new lease in the register book; but the registered mortgages and encumbrances to which the surrendered lease or leases was

or were subject shall by force of this Act apply to and bind the interest of the lessee in the new lease and all rights acquired by him on the approval of his application for the new lease from the date of that approval.

- (d) The annual rent previously payable by the lessee in respect of the lease or leases the subject of his application shall continue to be applicable in respect of the new lease and payable by the lessee until re-assessed under and in accordance with the provisions of section ninety-eight of this Act.
- (e) The endorsement by the Registrar of Titles on the new lease of any registered mortgage to which the surrendered lease or leases was or were subject shall by force of this Act alone convert that mortgage into a mortgage of the new lease or part thereof in lieu of the surrendered lease or leases, 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 obligations of the mortgagor thereunder, the mortgagor had granted to the mortgagee a mortgage of the new lease or part thereof as a substituted security in lieu of the registered mortgage on the surrendered lease or leases, and the endorsement by the Registrar of Titles on the new lease of any other encumbrances to which the

surrendered lease or leases was or were subject shall by force of this Act alone render the new lease or part thereof subject to any such encumbrance.

(c) by adding after subsection (2) the following subsections—

(3) Where the lessee of a pastoral lease or pastoral leases is entitled under the provisions of paragraph (a) of subsection (1) of this section to apply for the grant to him of a new lease but does not so apply within the time limited by that paragraph, the Minister shall call in and cancel that lease or leases and issue to the lessee in lieu thereof a composite lease, subject to the provisions of section one hundred and thirteen of this Act, for a term expiring on the thirty-first day of December, one thousand nine hundred and eighty-two, such composite lease to include therein all land that the lessee satisfies the Minister is run and utilised by him as one pastoral station and property.

(4) Before the Minister issues a lease pursuant to the provisions of subsection (3) of this section, the Minister shall request the lessee to inform him of the name given or intended to be given to the pastoral station or property of the lessee and under which it will be carried on, and the Minister may at his discretion approve of that name, or reject that name and direct the lessee to submit within three months another name or names for his approval, but if the lessee fails to comply with this subsection, or if the Minister does not approve of any name submitted by the lessee, the Minister may if he thinks fit approve of and assign a name recommended by the Pastoral Appraisal Board. ; and

(d) by repealing subsection (3).

22. Section one hundred and fifteen of the principal Act is amended by substituting for paragraph (a) of the proviso to subsection (1), the following paragraph—

S. 115  
amended.

- (a) Both the portion transferred and the portion remaining shall each comply with the provisions of subsection (9) of section ninety-eight of this Act, unless in any particular case the Minister approves otherwise.

23. Section one hundred and thirty-nine of the principal Act is amended—

S. 139  
amended.

- (a) by inserting after the word, “rents” in line one of subsection (1), the passage, “, except those payable in respect of pastoral leases issued after the coming into operation of the Land Act Amendment Act, 1963,”;
- (b) by substituting for the word, “Resident” in line five of subsection (1), the word, “Stipendiary”; and
- (c) by adding after subsection (1) the following subsection—

(1a) All land rents payable in respect of pastoral leases issued after the coming into operation of the Land Act Amendment Act, 1963, shall be calculated as from the first day of July to the thirtieth day of June, and shall be paid half-yearly in advance at the office of the Department of Lands and Surveys, Perth or to a Stipendiary Magistrate or other person authorised by the Minister to receive rents, on or before the first day of March and the first day of September in each year.

24. Section one hundred and forty of the principal Act is amended by deleting the passage, “pastoral lease,” in line fourteen of subsection (1).

S. 140  
amended.



Nineteenth  
Schedule  
amended.

25. The Nineteenth Schedule to the principal Act is amended—

- (a) by substituting for the second proviso in the form of Pastoral Lease the following proviso—

Provided also that this lease is granted on the following conditions:—

- (1) That the Lessee will comply effectively and to the satisfaction of the Minister for Agriculture with the provisions of the Vermin Act, 1919, and its amendments and with the requirements of any notice issued under that Act in respect to vermin on the area leased.
- (2) That the Lessee will, to the satisfaction of the Minister for Agriculture, take part in and contribute to any programmes or measures for the control of vermin organised by a local Vermin Control Authority or by the Agriculture Protection Board, whether on the area leased by the Lessee or on areas leased by other Lessees or on Crown land.
- (3) That the Lessee will to the satisfaction of the Minister for Agriculture comply effectively with the provisions of the Soil Conservation Act, 1945, and its amendments, and with the provisions of the Noxious Weeds Act, 1950, and its amendments.
- (4) That the Lessee will maintain on the area leased good and improving soil and plant conditions.
- (5) That the Commissioner of Soil Conservation may, in any case where the construction of a large

dam is contemplated, implement in respect of the area leased special provisions for full control of water catchment areas.

- (6) That the Lessee will not permit or suffer any grazing on all or part of the area leased where grazing is prohibited under the powers contained in the Soil Conservation Act, 1945, and its amendments. ; and

- (b) by deleting the passage, "of Part III" in line eight of the third proviso in the form of Pastoral Lease.
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