

WESTERN AUSTRALIA.



ANNO NONO

EDWARDI SEPTIMI REGIS,

XXXV.

No. 39 of 1909.

AN ACT to further amend the Land Act, 1898.

[Assented to 21st December, 1909.]

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:—

1. This Act may be cited as the *Land Act Amendment Act*, 1909, and shall be read as one with the Land Act, 1898, hereinafter referred to as the principal Act, and shall come into operation on a day to be fixed by proclamation. Short title and commencement.

2. Section fifteen of the principal Act, and the Schedules to the said Act, are amended by inserting after the words "mineral oil," the words "and all phosphatic substances." Amendment of 62 Vict., No. 37, sec. 15 and Schedules.

3. Section twenty-eight of the principal Act is amended by adding a proviso, as follows:— Amendment of 62 Vict., No. 37, s. 28.

Provided that where several adjoining holdings are held by the same person, and the external boundaries of the group of

holdings alone are surveyed, the date of the survey of such external boundaries shall be deemed the date of survey within the meaning of this section.

Amendment of 62
Vict., No. 37, s. 61.

4. Section sixty-one of the principal Act is amended by striking out the words "three thousand acres" in line twelve, and inserting "two thousand acres" in place thereof.

Amendment of 62
Vict., No. 37, s. 126.

5. Section one hundred and twenty-six of the principal Act is amended by inserting after the word "shall," in line twenty, the words "subject to section one hundred and fourteen of this Act."

Amendment of 62
Vict., No. 37, s. 136.

6. Section one hundred and thirty-six of the principal Act is amended by adding a paragraph as follows:—

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.

Amendment of 62
Vict., No. 37, s. 147.

Improvements on
lands to be paid for
by conditional
purchaser.

7. Section one hundred and forty-seven of the principal Act is repealed, and the following shall be inserted in place thereof:

147. (1.) The fair value of any improvements existing 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 the price of any such land shall be increased by the value so determined of such improvements, with interest thereon at the rate of five pounds per centum per annum, 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 by half-yearly instalments at such times and in such manner as the price of the land if unimproved would have been payable.

Provided that in the case of a selector under Part VIII. of the principal Act of land 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.

8. Section eight of the Land Act Amendment Act, 1905, is amended as follows:—

Amendment of 5
Edw. VII., No. 22,
s. 8.

(a.) By striking out all the words from the beginning of the section to and including the word “payable” in line seven, and inserting “Every lessee under Parts V. or VI. of the principal Act of land not surveyed before selection, and every selector under Part VIII. of the principal Act 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 by regulations,” and

(b.) By adding subsections as follows:—

(1.) In the case of a lessee under Parts V. or VI. of the principal Act of land surveyed before selection the prescribed cost of the survey shall be deemed an improvement within the meaning of that term in section one hundred and forty-seven of the principal Act, and the price of such land shall be increased by the cost of the survey with interest thereon accordingly.

(2.) Where several contiguous holdings under Parts V., VI., or VIII. of the principal Act 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.

9. Section four of the Land Act Amendment Act, 1906, is amended by striking out the words “so far as the same are applicable.”

Amendment of 6
Edw. VII., No. 29,
s. 4.

10. Section twenty-three of the Land Act Amendment Act, 1906, is amended as follows:—

Amendment of 6
Edw. VII., No. 29,
s. 23.

(a.) By striking out the words “except as provided by section sixty-two of the principal Act.” in subsection one.

(b.) By striking out the words “except as aforesaid,” in subsection two.

(c.) By striking out subsection three.

(d.) By inserting subsections as follows:—

“(3.) No husband and wife shall be entitled to acquire, either jointly or severally, under Part V, VI., VII., or VIII. of the principal Act, or any two or more of such Parts, either as lessees or transferees, an area or areas of land exceeding in the aggregate three thousand acres of cultivable land or the equivalent area of grazing land or cultivable and grazing land mixed.”

“(5.) The Governor may reduce the maximum area prescribed in subsections one, two, and three of this section in prescribed land districts or localities.”

Amendment of 6
Edw. VII., No. 29,
s. 24.

11. Section twenty-four of the Land Act Amendment Act, 1906, is repealed, and the following is inserted in place thereof:

Joint holdings.

24. (1.) In cases where land is granted in the joint names of two persons, each person shall, unless the contrary is expressed in the grant, be deemed, for the purposes of the last preceding section, to be the holder of an area equal to half the area of the holding; where three persons hold in their joint names, each shall be deemed to be the holder of one-third of the area, and so on with any larger number.

(2.) Where land, held jointly under this section, is subject to the condition of residence, it shall suffice if the residence condition is fulfilled by one of the joint proprietors in respect of each one thousand acres or fractional part of a thousand acres.

Amendment of 1906,
No. 29, s. 71.

12. Section seventy-one of the Land Act Amendment Act, 1906, is repealed, and the following shall be read in place thereof:—

Minister may
improve land within
Special Settlement
Area.

“71. (1.) Any land within a Special Settlement Area may be cleared, drained, or otherwise improved by the Minister before or after it 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 improvements, with interest thereon, or upon so much thereof as for the time being is unpaid, at the rate of five pounds per centum per annum, 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.

Amendment of 6
Edw. VII., No. 29,
s. 72.

13. Section seventy-two of the Land Act Amendment Act, 1906, is amended by striking out the words “section fifty-five,” in the third line thereof, and inserting in place thereof “Parts V. and VIII.”

Repayment of ex-
penditure from loan
funds by consoli-
dated revenue.

14. All moneys expended by the Minister out of loan funds for the acquisition of land for selection under the principal Act (otherwise than under the provisions of the Agricultural Lands Purchase Act, 1896), 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 thirty-first day of December and the thirtieth day of June next preceding.

Provided that for the assessment to be made in January, One thousand nine hundred and ten, the Minister shall ascertain and determine the amount to be brought within the operation of this section, and the amount so ascertained shall be deemed to have been expended within six months prior to that date.

15. Notwithstanding anything contained in the principal Act to the contrary, the half-yearly instalments of purchase money for land held under conditional purchase lease shall not during the first three years of the term exceed threepence an acre; but if the purchase money exceeds ten shillings an acre, the subsequent half-yearly instalments shall be proportionately increased to the intent that the full amount of the purchase money shall be paid within twenty years.

Instalments of purchase money not to exceed 3d. an acre during first three years.

16. Notwithstanding anything contained in the principal 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 the principal Act, but the holder of such land shall not be required to carry out any improvements that exceed in cost the amount that the Agricultural Bank is prepared to lend such holder.

Special improvement conditions.