

WESTERN AUSTRALIA.



ANNO QUINTO

EDWARDI SEPTIMI REGIS,

XXII.

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**No. 22 of 1905.**

AN ACT to further amend the Land Act,  
1898.

[Assented to 23rd December, 1905.]

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*, Short title.  
1905, and shall be read as one with the Land Act, 1898, hereinafter  
referred to as the principal Act.

2. Section twelve of the principal Act is hereby amended by Amendment of  
striking out the words "and leases for a term of over thirty years." 62 Vict., No. 37,  
s. 12.

3. Section thirteen of the principal Act is hereby amended by Amendment of  
striking out the words "and leases for upwards of thirty years." 62 Vict., No. 37,  
s. 13.

Amendment of  
62 Vict., No. 37,  
s. 68.

4. Section sixty-eight of the principal Act is hereby amended by inserting after the word "division," in line three, the following words: "not being lands within a pastoral lease held under the Land Regulations of 1887."

Amendment of  
62 Vict., No. 37,  
s. 88 (5).

5. Subsection five of section eighty-eight of the principal Act is hereby amended by striking out all the words after the word "improvements," and inserting in place thereof "in addition to the external fencing an amount equal to double the full purchase money: Provided that not more than one-half of the cost of any house erected thereon by the lessee may be included in the prescribed improvements."

Amendment of  
62 Vict., No. 37,  
s. 143.

6. Section one hundred and forty-three of the principal Act is hereby amended by inserting, after the word "Minister," the words "or an officer authorised in that behalf by the Governor."

Amendment of 1 & 2,  
Edwd. VII., No. 20,  
s. 6.

7. Section six of the Land Act Amendment Act, 1902, is hereby amended by striking out the words "or townsite," in line six thereof.

Lessees to pay half  
cost of survey.

8. Every lessee or selector under Parts V., VI., or VIII. of the principal Act shall pay one-half the prescribed cost of survey in two instalments, the first of such instalments being paid with his application, or within thirty days after notice being given to him by the Minister of the amount required, and the subsequent instalment within twelve months from the date when the first instalment was payable, and in default the lessee or selector shall be subject to the penalties prescribed in section one hundred and thirty-one of the principal Act.

Fencing not  
obligatory.

9. Notwithstanding anything to the contrary contained in the principal Act, or any amendment thereof, the Minister may, in his discretion, permit any lessee to substitute in lieu of fencing any other prescribed improvement of equal value.

Power to the Gover-  
nor to lease re-  
serves.

10. When any reserve is not immediately required for the purpose for which it was made, the Governor may grant a lease or leases thereof from year to year, or for any shorter term, for any purpose, at such rent and subject to such conditions as he may think fit.

Acceptance of rent  
not to be deemed  
waiver of breach  
of covenant.

11. The demand or acceptance of rent in respect of any lease granted or agreed to be granted under the principal Act, or any amendment thereof, before or after the passing of this Act, shall not be deemed a waiver of the right of His Majesty or the Minister to enforce the observance of any covenant, condition, or regulation under which the demised premises are held, or the forfeiture thereof for breach of any such covenant, condition, or regulation committed before the receipt of such rent.

**12.** If at any time after the approval of an application for a homestead farm it shall appear to the Minister that the applicant has abandoned the holding, the Minister may, by notice in writing, require the applicant to show cause why the application, and the occupation certificate, if issued, should not be cancelled; and unless, within twenty-one days after the service of such notice or such further time as may be stated therein, the applicant shall show cause to the contrary, it shall be lawful for the Minister, by notice in the *Government Gazette*, to cancel the application and the occupation certificate, if issued, and thereupon all the interest of the applicant, and any person claiming under him, in the holding shall absolutely cease and determine.

Power to cancel abandoned applications for homestead farms.

**13.** Section twenty of the Land Act Amendment Act, 1904, is hereby repealed, and the said Act shall continue in force as if such section had never been enacted.

Continuance of Act No. 58 of 1904.