



Western Australia.

ANNO SEXAGESIMO TERTIO  
**VICTORIÆ REGINÆ.**

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No. L.

AN ACT to amend the Land Act, 1898.

*[Assented to, 16th December, 1899.]*

**B**E it enacted by the Queen'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, 1899, and shall be construed together with the Land Act, 1898, hereinafter called the principal Act.

Short title and  
incorporation.

2. NOTWITHSTANDING anything contained in section one hundred and two of the principal Act, the rent of pastoral leases within Goldfields and Mining Districts, in the South-West Division, exclusive of that portion lying Eastward of the line described in section ninety-three, shall be One pound per thousand acres per annum; and the said section is hereby amended by inserting at the end of the first paragraph the following proviso:—"Provided also, that where any person holding a pastoral lease, under the Land Regulations of 1887, of an area exceeding twenty thousand acres desires to obtain a lease under this section of the land demised or part thereof, the Minister may grant to any such person a lease accordingly, notwithstanding the area comprised therein exceeds twenty thousand acres."

Amendment of s. 102  
of principal Act.

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### *Land Act—Amendment.*

Amendment of  
Section 112 of the  
principal Act.

3. SECTION one hundred and twelve of the principal Act is hereby amended by striking out the first seven lines thereof, to the word "prescribed," inclusive, and by inserting in lieu thereof the words: "The Minister may grant leases giving the lessee the exclusive right, subject to this Act and any amendment thereof and to the Regulations thereunder, to cut, remove, and sell any jarrah, karri, tuart, wandoo (white gum), blackbutt, red gum, or any other kind of timber specified in the lease, and any piles, poles, or balks of the aforesaid timbers growing or standing on the land the subject of the lease and therein particularly described, at the rental and on the conditions hereinafter prescribed."

Amendment of  
sec. 113 of the  
principal Act.

4. SECTION one hundred and thirteen of the principal Act is hereby amended by striking out the words, in the fifth and sixth lines, "or is not proceeded with within thirty days from," and inserting in lieu thereof the word "before."

Amendment of  
sec. 116 of the  
principal Act.

5. SECTION one hundred and sixteen of the principal Act is hereby amended by adding the words "to be exercised by giving notice in writing to the Minister before the expiration of the license."

Amendment of  
Section 120 of the  
principal Act.

6. SECTION one hundred and twenty, paragraph (2), is amended by inserting after the words "no part of" the words "the land subject to."

Repeal of section  
121, sub-section (1),  
of the principal Act,  
and substitution of  
another sub-section.

7. SECTION one hundred and twenty-one, sub-section one, of the principal Act is hereby repealed, and the following sub-section is enacted in lieu thereof:—

"(1.) A timber lease shall authorise the lessee to construct railways and tramways on and through the area comprised in the lease, and to haul timber to and from the mills; and the Governor may, if he thinks fit, authorise the lessee to lay down such railways and tramways on other Crown lands outside the area, and to connect any such railways and tramways with any Government railway, subject to the rules of the Railway Department in regard to private sidings; and the Governor, in so doing, may prescribe such conditions as to carriage of passengers and traffic and otherwise as he thinks fit."

Applications under  
principal Act to be  
subject to the pro-  
visions of this Act.

8. ALL applications for timber leases heretofore made under the provisions of the principal Act shall be deemed to have been made under the provisions thereof as amended by this Act.

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9. ALL timber leases granted in future, or already agreed to be granted, shall be in the form given in the Schedule hereto or to the like effect, and shall include the provisions therein contained, and such other provisions, not contrary thereto, as may be agreed upon.

Timber leases to be in form.

10. (1.) SECTION one hundred and twenty-four of the principal Act is amended by inserting, at the commencement thereof, the following words:—"Every timber lease shall be subject to the provisions of any Acts relating to mining for gold or other minerals so far as those Acts create rights which may be exercised over Crown Lands, whether unoccupied or otherwise: Provided that every lease granted or claim acquired under any of the said Acts, of lands comprised within a timber lease, shall be granted or acquired subject to the right of the proprietor of the timber lease, with the approval of the Minister of Mines, to enter thereon and construct and maintain roads, railways, and tramways thereon.

Amendment of sec. 124 of the principal Act.

"Provided further, that notwithstanding anything contained in any of the said Acts, a miner's right or mining license shall not entitle the holder thereof to cut or remove or strip any bark from any timber defined in any timber lease, on the land comprised within any such lease, beyond the limits of his holding.

"(2.) No such claim shall be acquired and no such lease shall be granted of any land, within fifty feet of the surface, which is occupied as a saw-milling station site, not exceeding an area of one hundred and sixty acres the length not to exceed three times the breadth, or upon which a railway or tramway, or any other improvements or buildings have been constructed by the lessee of the timber lease, or within one chain of any such railway, tramway, or other improvement, or within five chains of any building.

"Provided that any such saw-milling timber site may be resumed by the Government on payment of compensation to the lessee, to be determined by arbitration."

11. ANY person who shall unlawfully fell, cut, saw, split, or bark any timber growing or felled upon any land comprised within the area of any timber lease shall, on conviction, pay a fine not exceeding Ten pounds; and all such fines may be recovered before a Resident Magistrate or any two Justices of the Peace in Petty Sessions.

12. SECTION one hundred and thirty-eight, sub-section four, is hereby amended by striking out the last word and inserting in lieu thereof the words "memorandum of mortgage."

Amendment of sec. 138 of principal Act.

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### *Land Act—Amendment.*

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Amendment of  
Section 161 of  
principal Act.

**13.** SECTION one hundred and sixty-one is amended by inserting a new paragraph, as follows:—

(4A.) Prescribing the size of timber, piles, poles, and barks which may be lawfully cut under timber leases or licenses.

In the name and on behalf of the Queen I hereby assent to this Act.

GERARD SMITH, Governor.

THE SCHEDULE.

WESTERN AUSTRALIA.

*Timber Lease.*

No.	District
<p>THIS INDENTURE, made the _____ day of _____ BETWEEN THE MINISTER          FOR LANDS in and for the Colony of Western Australia (hereinafter called the Minister) of the one part,          and _____ of _____ (hereinafter called the Lessee), of the other part,          WITNESSETH as follows:—</p>	

The Minister, in exercise of the powers in that behalf to him given by the Land Act, 1898, DOETH HEREBY GRANT AND DEMISE unto the lessee, his executors, administrators, and assigns [*If the lessee is a corporate body, omit "his executors, administrators, and assigns," and insert "and its assigns"*] the sole and exclusive right, subject as hereinafter mentioned, to cut, remove, and to sell any kind of timber, as defined in the First Schedule hereto, standing or growing upon the land described in the Second Schedule hereto, and delineated and coloured green on the plan hereon, but subject nevertheless to the provisions of the said Act and any amendment thereof and to the regulations thereunder. AND with the right to bore and sink wells in the said lands to any depth for water, and to enjoy the same. AND with the right to construct railways and tramways on and through the said lands, and to haul timber to and from any timber mill that is now or may hereafter be therein, and to enjoy, in respect of such railways and tramways, the privileges conferred by Section 121 of the said Act, subject to the approval thereby required, EXCEPT as hereinafter appearing, and subject to the powers, reservations, and conditions herein and in the said Act contained: To HOLD the premises unto the lessee for the term of \_\_\_\_\_ years, to be computed from the \_\_\_\_\_ day of \_\_\_\_\_ YIELDING AND PAYING therefor during the said term unto the Minister the yearly rent of \_\_\_\_\_ clear of all deductions, by equal payments half-yearly, in advance, on or before the first day of March and the first day of September in every year.

AND the lessee covenants with the Minister and his successors in office, hereinafter called "the Minister," that he the lessee, his executors, administrators, or assigns (hereinafter called "the lessees"), during the said term will pay the yearly rent hereinbefore reserved at the times and in manner aforesaid: AND will pay all rates, taxes, and outgoings now payable and hereafter to become payable in respect of the said premises: AND will at all times during the said term observe and perform all the conditions and obligations prescribed by the said Act and the Regulations in force from time to time thereunder, and on the part of the lessee to be observed and performed: AND WILL, within two years from the date of this lease, or within such longer period as the Minister may allow, erect on the said lands a substantial and fully equipped sawmill plant, of sufficient power to cut up at least five loads of sawn timber per month for every square mile of land comprised in this lease, and will keep such fully equipped sawmill plant in good working order during the whole of the said term: AND WILL NOT transfer or mortgage the said lands, or any part thereof, except in accordance with the provisions of the said Act: AND at the expiration or sooner determination of the said term will yield up the said lands unto the Minister: AND THAT the Minister and his successors in office, his or their agents, surveyors, and workmen may at all times during the said term enter upon and inspect the premises: AND THAT no offensive occupation or nuisance shall be committed or suffered thereon.

PROVIDED, and it is hereby declared, as follows:—

- (1.) It shall be lawful at all times for all persons going upon and travelling over the said land, to cross any railway or tramway thereon without interruption by the lessees, but not trespassing upon or injuring any house, or building, sawmill plant or machinery, timber yards or the appurtenances thereto, or any wells, or any such gardens, or cultivated land as aforesaid, or injuring or impeding traffic on any railway or tramway.
- (2.) If, and so long as, the lessees are in possession of a fully equipped sawmill plant as described in the lessees' covenant hereinbefore contained, situate within a mile (or such other distance as the Minister of Lands may approve) of the said land, the lessees shall not be bound to erect another sawmill plant thereon.

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- (3.) It shall be lawful at all times for the Minister, or for any person or persons acting in that behalf by his authority, to cut and clear tracks across the said land, and to make crossings over any railways or tramways constructed by the lessees, and to cut and take away any such indigenous timber, and to search, and dig for, and carry away any stones or other materials which may be required for making or keeping in repair any roads, tracks, tramways, railways, railway stations, bridges, canals, towing-paths, harbour works, breakwaters, river improvements, drainage, or irrigation works, and generally for any other works and purposes of public use, utility, or convenience, without making to the lessee any compensation in respect thereof.
- (4.) It shall be lawful at all times for the Minister, and his successors in office, to resume and enter upon possession of any part of the said land which it may at any time be deemed by him or them necessary or desirable to resume for townsites, roads, tramways, railways, railway stations, bridges, canals, towing-paths, harbour or river improvement works, drainage or irrigation works, or quarries, and generally for any works or purposes of public use, utility, or convenience, and for the purpose of granting power to others to search and mine for gold, silver, copper, tin, and other metals, ore, and minerals, or other substances containing metals, gems, or precious stones, and for coal, or mineral oil, in and under the said land without making to the lessees any compensation in respect thereof other than a proportionate return and reduction of rent in respect of any land resumed on which marketable timber is growing or standing. Such resumption shall not extend to any part of the said land comprising any house or building, sawmill plant, machinery, timber yards or their appurtenances, or any wells, or any such gardens or cultivated land as aforesaid, or any railway or tramway, unless compensation be paid for the same.
- (5.) The Minister shall not be liable or responsible for any error in the descriptive boundaries or quantity of land herein described, or in respect of any claims which may be set up by any other person or persons to any part or parts of the said land.
- (6.) If the rent is not paid in advance, as hereinbefore provided, or if the lessees fail or neglect at any time during the said term to comply with and perform all or any of the conditions or provisions of the said Act on the lessees' part to be complied with and performed, or on breach of any of the lessees' covenants hereinbefore contained, it shall be lawful for the Minister, or his successors in office, into or upon the said land, or any part thereof, in the name of the whole, to re-enter and the same to repossess and enjoy, without making any compensation to the lessees, and immediately thereupon this demise shall absolutely determine and become indefeasibly forfeited. Provided that the lessee may, within six months of such determination, remove from the demised premises all railways, tramways, buildings, machinery, plant, and effects in or upon the said demised premises.

AND, subject as aforesaid, the Minister hereby covenants with the lessees that the lessees paying the said yearly rent and observing and performing the lessees' covenants herein contained may, subject to the provisions of the said Act, peacefully hold and enjoy the premises during the said term without any interruption or disturbance by the Minister or his successors in office, except as aforesaid, or any person lawfully claiming under him or them.

### THE FIRST SCHEDULE.

The timber referred to [*Jarrah, Karri, Tuart, Wandoo (White Gum), Blackbutt, Red Gum, and any piles, poles, or barks of the size prescribed by regulations of the above-named timbers*].

### THE SECOND SCHEDULE.

NOTE.—If the lease is issued prior to survey, boundaries and area will be subject to roads and reserves, and any necessary amendments on survey.

IN WITNESS WHEREOF the said parties to these presents, respectively, have hereunto set their hands and seals the day and year first above written.

Signed, sealed, and delivered by }  
the said Minister for Lands }  
in the presence of }

Signed, sealed, and delivered by }  
the said }  
in the presence of }