

Western Australia

Special Lease Enabling Act 1914

As at 06 Jul 1998

Version 00-a0-09

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Special Lease Enabling Act 1914

An Act to ratify an agreement for a Special Lease of Crown Land in the Kimberley Division, for Tropical Agriculture and Horticulture.

1. Short title

This Act may be cited as the *Special Lease Enabling Act 1914*.

2. Ratification of agreement

An agreement made the twenty-third day of June, one thousand nine hundred and fourteen, between the Minister for Lands of the one part, and Hector William Cole of the other part, set out in the schedule to this Act, is hereby ratified, and a special lease may be granted accordingly, under the *Land Act 1898*, and the agreement may, in other respects, be carried into effect.

Schedule

AGREEMENT made the 23rd day of June One thousand nine hundred and fourteen between the Honourable Thomas Henry Bath of Perth Western Australia Minister for Lands (hereinafter called “the Minister”) of the one part and Hector William Cole of St. Kilda Victoria Journalist on behalf of the Kimberley Tropical Agriculture Syndicate of Melbourne Victoria (hereinafter called “the Syndicate”) of the other part.

Whereby it is agreed as follows: —

1. Subject to the approval of Parliament a Special Lease in the form of the twenty-ninth schedule to the *Land Act 1898* shall be granted to the Syndicate or some person or persons to be named by the Syndicate as their trustee or trustees (hereinafter referred to as the Lessee) of an area of twenty thousand (20,000) acres in the Kimberley Division of the State of Western Australia as the same is approximately delineated in a plan deposited in the Department of Lands and Surveys² Perth and numbered 15528 for the term of ninety-nine years for agricultural and horticultural purposes.
2. The rent to be reserved by the lease for the first seven years of the term shall be a peppercorn if demanded and for the next thirteen years of the said term the annual rent of One hundred and twenty-five pounds (being at a rate of two and a half per cent. on an unimproved capital value of Five thousand pounds). After the first twenty years and for the remainder of the said term the annual rent shall be at a rate of two and a half per cent. on the unimproved capital value of the land for the time being to be assessed by the Minister for Lands but such value shall not exceed the sum of Ten thousand pounds.
3. All survey fees and charges incidental to the issue and registration of the lease shall be paid by the lessee.
4. The Lease shall be granted subject to the following conditions in addition to those prescribed by the said form: —
That the Lessee shall —
 - (a) Clear five hundred acres of the demised land within the first two years of the term of the lease;

- (b) Cultivate the said five hundred acres during the third year of the said term;
 - (c) During and after the fourth year of the said term plant and cultivate the said area of five hundred acres to the Minister's approval with some form of tropical agriculture or horticulture; and
 - (d) Thenceforth clear and cultivate not less than fifty additional acres per annum until a total area of one thousand acres in all has been cleared and cultivated.
5. It shall be lawful for the Commissioners of the Presbyterian Church in Western Australian or the Presbyterian Church of Australia (who have the right to acquire for mission purposes twenty thousand acres of the Reserve 15530 situated in the Kimberley Division) and the lessee by mutual agreement to exchange portion of their respective holdings but any land so acquired by the lessee shall be deemed part of his holding under the lease to be granted pursuant to this Agreement to all intents and purposes as if it had been included in the original demise and shall be held at the rent and subject to the conditions of such demise accordingly.
6. At any time during the first two years of the term the lessee may with the approval of the Minister for Lands surrender the whole or any part of the demised land and acquire in lieu thereof other waste land of the Crown in the Kimberley Division of equivalent value in one or more parcels on the same terms and conditions as if the substituted land had been the subject of the original demise the annual rent being so far as necessary apportioned between the several holdings of the lessee.
7. The lease shall contain a proviso that before any proceedings for forfeiture are taken for any alleged breach of covenant by the lessee notice in writing of the breach complained of shall be given on behalf of the Crown to the lessee by delivering the same or sending it by letter through the post to the address of the lessee as stated in the lease or registered at the Department of Lands and Surveys² Perth and if within one month from such notice being given the lessee shall by notice in writing addressed to the Minister for Lands and delivered at the Department of Lands and Surveys² Perth require the

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question whether such breach of covenant has happened to be referred to Arbitration under the provisions of the *Arbitration Act 1895* and by such notice nominates as his Arbitrator some person residing in Western Australia and willing to undertake the duty no proceedings for the forfeiture of the lease shall be taken unless and until it is found by the Award of the Arbitrators or their Umpire that a breach of covenant sufficient to justify a forfeiture has been committed.

As witness the hands of the parties hereto the day and year first above written.

Signed and sealed by the Honourable
Thomas Henry Bath Minister for Lands
in the presence of —

THOMAS H. BATH
[L.S.]

L.E. SHAPCOTT

Signed by the said Hector William Cole
in the presence of —

H. W. COLE

C.G. MORRIS

Notes

¹ This is a compilation of the *Special Lease Enabling Act 1914* and includes all amendments effected by the other Acts referred to in the following table.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Special Lease Enabling Act 1914</i>	17 of 1914	8 Sep 1914	8 Sep 1914

² The Department formerly known as the Department of Lands and Surveys was replaced by the Western Australian Land Information Authority. Documents formerly deposited or registered with the Department are now held by the Authority (see the *Land Information Authority Act 2006* s. 100).