

LAND.

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NO. 24.
THE LAND
ACTS
AMENDMENT
ACT OF
1953.

An Act to Amend "The Land Acts, 1910 to 1952," in certain particulars.

[ASSENTED TO 18TH DECEMBER, 1953.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

Short title and construction.

1. This Act may be cited as "*The Land Acts Amendment Act of 1953*," and shall be read as one with *"*The Land Acts, 1910 to 1952*," herein referred to as the Principal Act.

Collective title.

The Principal Act and this Act may be collectively cited as "*The Land Acts, 1910 to 1953*."

Amendment of s. 53.

2. Section fifty-three of the Principal Act is amended by repealing, in subparagraph (e) of the first paragraph, the words "three thousand eight hundred and forty acres" and by inserting, in lieu of those repealed words, the words "six thousand acres".

Amendment of s. 54 (2).

3. Subsection two of section fifty-four of the Principal Act is amended by repealing paragraph (vi.) and by inserting, in lieu of that repealed paragraph, the following paragraph, namely:—

"(vi.) The notification may declare that any lot comprising two or more non-contiguous portions shall be applied for and held as one selection, or that lots which are not contiguous may be applied for and held as one selection."

Amendments of s. 54A.

4. Section 54A of the Principal Act is amended—
(a) By repealing the word "Grazing" where that word first appears; and

(b) By repealing the words "as Grazing Selections" and by inserting, in lieu of those repealed words, the words "under any selection tenure".

* 1 G. 5 No. 15 and amending Acts.

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5. Section fifty-five of the Principal Act is ^{Amendments} amended— _{of s. 55.}

(i.) By adding to the first paragraph of subsection one the following subparagraph, namely :—

“ or

(d) Grazing Homesteads,” ;

(ii.) By repealing subsection two and by inserting, in lieu of that repealed subsection, the following subsection, namely :—

“ (2.) The notification may declare that any lot comprising two or more non-contiguous portions shall be applied for and held as one selection, or that lots which are not contiguous may be applied for and held as one selection.” ;

(iii.) By inserting, after the words “ Within three months ” in paragraph (c) of subsection four, the words “ or such time longer than three months as is allowed by the Minister ” ;

(iv.) By repealing the first subparagraph of paragraph (e) of subsection four and by inserting, in lieu of that repealed subparagraph, the following subparagraph, namely :—

“ Notwithstanding the provisions of paragraphs (c) and (d) of this subsection, at any time after a member who is approved for settlement of a group has been allotted priority of selection of a portion, that portion may be notified to be open for selection as a Perpetual Lease Selection or Settlement Farm Lease or Grazing Homestead with priority of application to that member.” ; and

(v.) By adding to subsection four the following paragraph, namely :—

“ (f) The value of any improvements on a portion allotted to an applicant approved for settlement as a member of a group must be paid by that applicant within twenty-one days, or if an extension of that time is allowed by the Minister, within the extended time so allowed after allotment of the portion to him.”

Amendments
of s. 56.

6. Section fifty-six of the Principal Act is amended by repealing paragraphs (e) and (f) and by inserting, in lieu of those repealed paragraphs, the following paragraphs, namely :—

- “ (e) Settlement Farm Leases, six thousand acres ;
(f) Group Selections—Perpetual Lease Selections, two thousand five hundred and sixty acres ; Settlement Farm Leases, six thousand acres ; Grazing Homesteads, thirty thousand acres.”

New s. 109B
inserted.

7. The following section is inserted after section 109A of the Principal Act, namely :—

Application
for new lease
of a Grazing
Selection
before the
expiration of
the current
lease.

“ [109B.] (1.) A lessee of a Grazing Selection the lease whereof has not more than seven years to run may apply to the Minister for consideration under, subject to, and in accordance with the provisions of this section of the matter of the grant to him of a new lease of the Grazing Selection in question in substitution for the then current lease thereof.

The application shall be in writing in or to the effect of the prescribed form and signed by the applicant or his agent.

(2.) (a) The Minister shall refer every application under this section to the Land Administration Board for investigation and report as hereinafter in this section provided.

(b) The Board shall, in respect of every application under this section referred to it by the Minister, investigate the following matters, that is to say :—

- (i.) The area of land of the quality comprised in the selection in question that is sufficient to afford a prudent selector a reasonable living area, having regard to the potentialities of the land for farming, stock raising by means of artificially cultivated or improved pasturage, or grass grazing, namely the grazing of stock on the grasses natural to land which has no other potential ;
- (ii.) The rental value of the land ;
- (iii.) The public interest ; and
- (iv.) Such other factors and circumstances as the Board deems fit and proper.

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(c) The Board shall make to the Minister a report upon its investigation as aforesaid and shall make to the Minister such recommendations as it deems fit regarding the matters so investigated.

(d) The Minister in exercising, in respect of an application under this section, the powers conferred upon him by this section shall have regard to the report and recommendations of the Board but he shall not be bound thereby.

(e) The Minister may, in his absolute discretion, grant or refuse the application.

If the Minister grants the application, he shall determine—

- (i.) The area of land that shall be granted to the selector as a new selection, and the tenure thereof;
- (ii.) The terms and conditions of the lease of the new selection including the rent to be charged for the first period of the term of the lease; and
- (iii.) Whether the lease of the new selection should, in the public interest, be subjected to special conditions and, if so, those conditions.

(f) The Minister shall give to the applicant notice, in writing, of his determination upon an application under this section.

In every case of the grant by the Minister of the application, that notice shall be in or to the effect of the prescribed form and contain the prescribed particulars relative to the new lease to be granted to the applicant.

(g) (i.) A lessee of a Grazing Selection whose application under this section has been granted by the Minister, may notify the Minister that that lessee elects to take advantage of the grant.

That notice shall be in or to the effect of the prescribed form.

(ii.) Notice in writing of election as aforesaid shall be given to the Minister within three months after the date of the notification to the lessee in question of the determination of the Minister granting his application or within such extended time longer than the aforesaid three months as the Minister may in his discretion allow in any particular case.

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(iii.) Any and every notice of election as aforesaid received by the Minister within the time allowed for the giving thereof to him, shall be irrevocable and shall bind the lessee in question and his successors in interest.

(iv.) If a lessee fails to give to the Minister notice of election as aforesaid within the time allowed therefor, the determination in question by the Minister shall be of none effect, and the existing lease or leases in respect of which that determination was made shall continue in force as if there had neither been an application under this section in respect thereof nor a determination upon that application by the Minister.

When new lease to issue in substitution for existing lease.

(h) (i.) Upon duly electing to take advantage of a determination by the Minister approving wholly or in part of his application for a new lease of a Grazing Selection in substitution for an existing such lease, a lessee shall surrender that subsisting lease and thereupon a new lease shall be issued to that lessee in accordance with the determination of the Minister.

(ii.) Every such new lease shall commence on the quarter day next ensuing after the lessee shall have surrendered the lease the subject of the application under this section.

(iii.) Every such new lease shall be issued (and shall be valid and effectual to convey to and vest in the lessee therein named the land therein described for the estate or interest therein stated) subject to such reservations and conditions as are authorised or prescribed by this Act and subject also—

(a) To such special conditions as the Minister shall have deemed fit to impose in his determination approving of the grant of the new lease; and

(b) To such terms, provisions and stipulations as the Minister shall deem necessary to impose for providing for, regulating and controlling the performance by the lessee of the special conditions referred to in paragraph (a) of this subsection.

Interpretation.

(j) The provisions of this section shall be construed so as not to confer upon any lessee a claim to be granted as of right any new lease.

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The powers and authorities of the Minister under this section shall be discretionary and every determination made or purporting to be made in the exercise of any such power or authority by the Minister shall be final and conclusive of the subject matter thereof.

No lessee shall have any right or remedy whatsoever in law in respect of anything done or omitted to be done by the Minister in respect of the exercise of any power or authority under this section or in respect of any failure or refusal by the Minister to exercise such a power or authority.

Neither the Supreme Court, nor the Land Court, nor any other court or judicial tribunal whatsoever shall have jurisdiction to entertain any suit, action or other proceeding whatsoever for enforcing a right, remedy or claim alleged to be had by any person by virtue of any provision of this section, or alleged to be had by any person by virtue of the manner in which the Minister has exercised any power or authority under this section, or by virtue of the alleged refusal or failure of the Minister to exercise any such power or authority.

(k) Where a new lease granted under this section comprises part only of the surrendered lease in substitution for which that new lease is granted, then the remaining land comprised in that surrendered lease shall, by virtue of the surrender thereof, become and be Crown land and may be dealt with accordingly under this Act."

8. Section 175B of the Principal Act is amended by repealing the second paragraph and by inserting, in lieu of that repealed paragraph, the following paragraphs, namely:—

Amendment
of s. 175B.

"The Minister may, at his discretion, refuse the application or he may refer it to the Board.

If, upon investigation of an application so referred to it, the Board is satisfied—

(a) That the land has been reasonably improved, having regard to its unimproved value; and

(b) That the land is not required for any public purpose,

it may certify accordingly.

Subject to that certification by the Board, the Governor in Council may—

- (a) Sell the land to the lessee without competition at the price fixed by the Minister upon the recommendation of the Board; or
- (b) Issue without competition to the applicant a Perpetual Town Lease, or a Perpetual Suburban Lease, or a Perpetual Country Lease of the land at an annual rental for the first period of a sum equal to three pounds per centum of the unimproved value of the land as fixed by the Minister upon the recommendation of the Board.”

Amendment
of s. 175c.

9. Section 175c of the Principal Act is amended by repealing the third paragraph and by inserting, in lieu of that repealed paragraph, the following paragraph, namely :—

“ When it is proposed to issue a Perpetual Town Lease, a Perpetual Suburban Lease, or a Perpetual Country Lease in terms of this section, the annual rent payable during the first period of fifteen years of the term shall be calculated at a sum equal to three pounds per centum of the unimproved value of the land as fixed by the Minister upon the recommendation of the Board.”

Amendments
of s. 198.

10. Section one hundred and ninety-eight of the Principal Act is amended—

(a) By repealing subsection one and by inserting, in lieu of that repealed subsection, the following subsection, namely :—

“(1.) Without the prior permit in writing of the Commissioner—

- (a) A selector of an Agricultural Selection, Prickly-pear Selection, or Unconditional Selection, or lessee of a Perpetual Country Lease shall not during the first two years of the term of his lease; and
- (b) A lessee of a Pastoral Holding or Special Lease or holder of an Occupation License or selector of a Grazing Selection or Settlement Farm Lease shall not at any time, ringbark or cut down or destroy any trees thereon, nor shall he do any such act as aforesaid in any manner contrary to the terms of such a permit.”; and

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(b) By inserting after the second paragraph of subsection two the following proviso, namely:—

“ Provided that a permit granted to a selector or a lessee to cut down any trees for the purpose of the use by him of the timber derivable therefrom in the improvement of the holding to which the permit applies shall not be subjected to a condition obligating the permittee to pay any sum by way of royalty or otherwise.”

11. Section one hundred and ninety-nine of the Principal Act is amended— Amendments of s. 199.

(a) By repealing, in the second paragraph of subsection one, the words “ In the case of a Grazing Selection ” and by inserting, in lieu of those repealed words, the words “ In the case of any holding other than a Pastoral Holding or Special Lease ”; and

(b) By inserting, before the word “ exceeding ”, where that word first appears in the first paragraph of subsection two, the words “ in any case ”.

12. Section two hundred and three of the Principal Act is amended by repealing the first paragraph thereof and by inserting, in lieu of that repealed paragraph, the following paragraph, namely:— Amendments of s. 203.

“ Any person, not lawfully claiming under a subsisting lease or license, or otherwise under any Act relating to the occupation of Crown land, who occupies any Crown land or any reserve, or who resides or erects any hut or building or depastures stock on any Crown land or any reserve, or who clears (which term includes ringbarks), digs up, encloses, or cultivates any Crown land or any reserve or any part thereof, shall be liable to a penalty not exceeding twenty pounds, and, in addition, to a penalty of not less than one shilling and not more than ten shillings for every tree cut down, destroyed, or ringbarked by him.”

13. **“ The Land Acts Amendment Act of 1927,”* as heretofore amended, is further amended— Amendments of 18 Geo. V. No. 17.

(a) By repealing sections two and three;

(b) By repealing subsection one of section sixteen and by inserting, in lieu of that repealed subsection, the following subsection, namely:—

“(1.) The Minister, with the approval of the Governor in Council, may by notification declare any Crown land that is exceptionally costly and difficult to develop open for Pastoral Development Lease.

The Minister may in his discretion withdraw any land from being open for Pastoral Development Lease.”; and

(c) By repealing subsection one of section 16A and by inserting, in lieu of that repealed subsection, the following subsection, namely:—

“(1.) The Minister, with the approval of the Governor in Council, may by notification declare any Crown land open for application as a Stud Holding.

The Minister may in his discretion withdraw any land from being open as a Stud Holding.”.

2 ELIZ. II.
NO. 2.
THE REVIEW
OF
VALUATIONS
ACT
AMENDMENT
ACT OF
1953.

An Act to make Provision for giving Effect to the Report of the Board of Review constituted under “The Review of Valuations Act of 1952,” and for that Purpose to Amend that Act in certain particulars.

[ASSENTED TO 2ND SEPTEMBER, 1953.]

Preamble.

WHEREAS the Board of Review constituted under **“The Review of Valuations Act of 1952,”* reported in its report to the Secretary for Works and Housing that it was unable, except in the cases particularly indicated and within the limits specified in that report, to comply with the provisions of subsection two of section three of that Act to such extent as to enable him to carry out effectively all the requirements of section four of that Act:

AND WHEREAS the result of the aforesaid inability of the said Board is to render that Act to some extent ineffective:

AND WHEREAS it is desirable to amend that Act to the extent necessary to give operation and effect to the aforesaid report of the said Board:

* 1 Eliz. 2 No. 49.