
Land Acts, Etc., Amendment Act. 7 ELIZ. II. No. 71,

(2.) Such an agreement shall not be entered into in respect of any land below high water mark as defined in **“The Harbours Acts, 1955 to 1959,”* without the prior consent of the Minister administering those Acts.

(3.) Such agreement need not specify all or any of the conditions to which the Development Lease will be subjected if granted pursuant thereto.

7 ELIZ. II.
NO. 71.
THE LAND
ACTS AND
OTHER ACTS
AMENDMENT
ACT OF 1958.

An Act to Encourage the Breeding of Stud Stock by Granting long term Leases, to Enable the Holders of certain Crown Leases to apply for Review of Rent by the Land Court, to Extend the provisions for the Freeholding of Perpetual Lease Tenures to other Tenures, to make better provision for the Eradication of *Harrisia* Cactus, and for those and other purposes to Amend “The Land Acts, 1910 to 1958,” “The Closer Settlement Acts Amendment Act of 1917,” “The Discharged Soldiers’ Settlement Acts, 1917 to 1957,” “The Tully Sugar Works Area Land Regulations Acts, 1924 to 1957,” “The Land Acts Amendment Act of 1927,” “The War Service Land Settlement Acts, 1946 to 1951,” and “The Land Acts and Other Acts Amendment Act of 1957,” each in certain particulars, and for other purposes.

[ASSENTED TO 19TH DECEMBER, 1958.]

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:—

PART I.—
PRELIMINARY.

PART I.—PRELIMINARY.

Short title.

1. This Act may be cited as “*The Land Acts and Other Acts Amendment Act of 1958.*”

Parts of Act.

2. This Act is divided into Parts as follows:—

PART I.—PRELIMINARY ;

* 4 Eliz. 2 No. 40 and amending Acts.

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PART II.—AMENDMENTS OF **“THE LAND ACTS, 1910 TO 1958”*;

PART III.—AMENDMENTS OF †*“THE CLOSER SETTLEMENT ACTS AMENDMENT ACT OF 1917”*;

PART IV.—AMENDMENTS OF ‡*“THE DISCHARGED SOLDIERS’ SETTLEMENT ACTS, 1917 TO 1957”*;

PART V.—AMENDMENTS OF §*“THE TULLY SUGAR WORKS AREA LAND REGULATIONS ACTS, 1924 TO 1957”*;

PART VI.—AMENDMENTS OF ||*“THE LAND ACTS AMENDMENT ACT OF 1927”*;

PART VII.—AMENDMENTS OF ¶*“THE WAR SERVICE LAND SETTLEMENT ACTS, 1946 TO 1951”*;

PART VIII.—AMENDMENTS OF ****“THE LAND ACTS AND OTHER ACTS AMENDMENT ACT OF 1957”*;

PART IX.—STUD HOLDINGS;

PART X.—GENERAL.

PART II.—AMENDMENTS OF *“THE LAND ACTS, 1910 TO 1958.”*

PART II.—
AMENDMENTS
OF *“THE
LAND ACTS,
1910 TO 1958.”*

3. (1.) This Part II. of this Act shall be read as one with **“The Land Acts, 1910 to 1958,”* herein referred to as the Principal Act. Interpretation.

(2.) The Principal Act and this Part II. of this Act may be collectively cited as *“The Land Acts, 1910 to 1958.”* Collective title.

4. Section four of the Principal Act is amended by— Amendments of s. 4.

(a) Inserting after the word *“cactaceæ”* in the definition of *“prickly-pear”* the words *“the term includes the fruit, seeds and any viable part of any such plant”*;

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

† 6 E. 7 No. 32 and amending Acts.

‡ 7 G. 5 No. 32 and amending Acts.

§ 15 G. 5 No. 22 and amending Acts.

|| 18 G. 5 No. 17.

¶ 10 G. 6 No. 23 and amending Acts.

** 6 Eliz. 2. No. 36.

(b) Inserting after the definition “Regulations” the following definitions:—

- Reserve. “ “Reserve”—Includes any land which for the time being is reserved or set apart under this Act for a public purpose;
- Road. “ “Road”—Any road, whether surveyed or unsurveyed, dedicated, or notified or declared in any manner howsoever to be a road for public use, and any road comprised of land taken, pursuant to any enactment, for the purpose of a road for public use: The term includes any road, street, esplanade, reserve for esplanade, parade, promenade, avenue, lane, highway, pathway, footway, thoroughfare, right-of-way, track or stock route, and also any land declared by the Governor in Council to be a road for the purposes of this Act;”;

(c) Inserting after the definition “Simultaneous Applications” the following definition:—

- Stock Route. “ “Stock Route”—Any road or route ordinarily used for the purpose of travelling stock or declared under any Act or law to be a stock route;”.

Amendments of s. 14. 5. Section fourteen of the Principal Act is amended—

(a) By inserting in subsection one thereof, after the word “appoint”, the words “ a Chief Land Commissioner and ”; and

(b) By inserting after subsection one thereof the following subsection:—

“ (1A.) The Chief Land Commissioner shall exercise and perform all such powers, authorities, functions and duties (including such of the powers, authorities, functions and duties conferred or imposed upon a Commissioner by this Act) as the Minister may direct either generally, or in any particular case, or in relation to any particular district or districts.

Subsection two of this section applies with respect to the Chief Land Commissioner.”

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6. Section thirty-two of the Principal Act is amended by inserting after subsection two thereof the following subsection :—

Amendment of s. 32.

“(2A.) Notwithstanding anything in this Act or in any other law or any practice to the contrary—

New sub-section 2A.

- (a) The Court in the exercise of any jurisdiction, duty, power or function conferred or imposed upon it shall be governed in its procedure and in its decisions by equity, good conscience, and the substantial merits of the case, without regard to technicalities or legal forms or the practice of the other courts ;
- (b) The Court in the exercise of any such jurisdiction, duty, power or function shall not be bound by any rule or practice as to evidence, but may inform its mind on any matter in such manner as the Court deems just ;
- (c) The Court may accept, admit and call for such evidence as in equity and good conscience it thinks fit, whether strictly legal evidence or not.

Court to be guided by equity and good conscience.

This subsection does not apply to proceedings in respect of offences against this Act.”

7. Paragraph (c) of subsection one of section 40B of the Principal Act is amended by repealing the words “ four hundred pounds per annum ” appearing therein and inserting, in lieu of those repealed words, the words “ six hundred pounds per annum ”.

Amendment of s. 40B (1).

8. Section fifty-two of the Principal Act is amended by—

Amendments of s. 52.

(i.) Repealing in paragraph (a) thereof the words “ four hundred pounds per annum ” and inserting, in lieu of those repealed words, the words “ six hundred pounds per annum ” ;

(ii.) Repealing in paragraph (b) thereof the words “ four hundred pounds per annum ” and inserting, in lieu of those repealed words, the words “ six hundred pounds per annum ” ; and

(iii.) Adding thereto the following proviso :—

“ Notwithstanding the foregoing provisions of this section, a person holding two or more Grazing Selections the aggregate of the areas whereof exceeds thirty thousand

acres shall be competent to apply (by way of renewal of lease) to select, or to be granted a lease or leases of, any of the land comprised in that aggregate as a Grazing Selection or Grazing Selections, and to hold that Grazing Selection or Grazing Selections."

Amendment
of s. 53A.

9. Section 53A of the Principal Act is amended by repealing therein the words "four hundred" and inserting, in lieu of those repealed words, the words "six hundred".

Amendment
of s. 88.

10. Section eighty-eight of the Principal Act is amended by inserting in the proviso thereto, before the words "of this Act", the words "or of subsection four of section 114A".

Repeal of
and new
s. 100.

11. Section one hundred of the Principal Act is repealed and, in lieu of that repealed section, the following section is inserted:—

When fee-
simple of
Agricultural
Farm may
be acquired.

"[100.] The selector of an Agricultural Farm who has paid all moneys payable in respect of the purchasing price, including interest thereon, if any, to the date of payment, and also including any moneys unpaid on account of survey fee shall, at any time after the issue of the lease therefor, be entitled to a deed of grant in fee-simple of the land comprised in the lease."

Amendment
of s. 109
(4A).

12. Subsection 4A of section one hundred and nine of the Principal Act is amended by inserting in paragraph (c) after the words "section two or section three of **The Land Acts Amendment Act of 1927*", the words "or of section 109B of this Act".

Amendments
of s. 109B.

13. Section 109B of the Principal Act is amended by adding to subparagraph (iii.) of paragraph (h) of subsection two the following paragraph:—

" ; and (c) In the case of every such new lease the tenure whereof is as a Grazing Selection or Settlement Farm Lease, to a condition that the lessee shall keep the land comprised in the lease fenced with a good and substantial fence at all times during the term of the lease, and that such fence shall, in every case where the surrendered lease imposed the like condition with respect to the land

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comprised therein, be, according as that condition required, rabbit proof, or marsupial proof, or both rabbit proof and marsupial proof."

14. Section one hundred and ten of the Principal Act is amended by repealing provision (v.) thereof and inserting, in lieu of that repealed provision, the following provision:—

Amendment
of s. 110.

"(v.) A selector who has paid all moneys payable in respect of the purchasing price shall, at any time after the issue of the lease, be entitled to a deed of grant in fee-simple of the land comprised in the lease ;”.

15. Section 114A of the Principal Act is amended—

Amendments
of s. 114A.

(a) By inserting after the third paragraph of subsection four the following subsection:—

"(5.) In the case of a Settlement Farm Lease acquired under the provisions of section seventy-two hereof, or in the case of a Settlement Farm Lease in respect whereof the selector has obtained or may hereafter obtain a new lease under and in pursuance of the provisions of section 109B hereof, if the selector has already fulfilled five years' personal residence on the land comprised in the expired or surrendered lease the new selection shall be subject to the condition of occupation, as defined in section eighty-nine hereof, throughout the whole of the term of the lease if it continues to be held by the same selector.

If the selector has not fulfilled five years' personal residence on the land comprised in the expired or surrendered lease, the new selection shall be subject to the condition of personal residence for such a period as is required to complete five years' personal residence on the land by the selector.

When and so often as a Settlement Farm Lease to which this subsection applies is transferred, the condition of personal residence shall be reimposed in such lease for a period of five years from the date of the registration of the transfer:

Provided that nothing in this subsection shall apply to a Settlement Farm Lease acquired under the provisions of section seventy-two hereof or to a Settlement Farm Lease comprising the whole or a

part of an expired or surrendered holding which was not at the time of the expiry or surrender thereof subject to the condition of personal residence, but the condition of occupation as defined in section eighty-nine hereof shall extend and apply." ;

(b) By numbering as subsection six the fourth and final paragraph of subsection four ; and

(c) By renumbering subsection five as subsection seven.

New s. 119A
 inserted.

16. The following section is inserted after section one hundred and nineteen of the Principal Act :—

Demise of
 land sold
 with free-
 holding
 covenant.

" [119A.] (1.) Subject to this section the Governor in Council may, in the name of Her Majesty, demise to the purchaser for a term any land being purchased under this Part V. of this Act.

(2.) Land shall not be demised pursuant to this section in any case where—

(a) Conditions (save as respects payment of the purchasing price) were not imposed by the notification offering the land for sale ; and

(b) The purchasing price, including any interest thereon, has been paid in full.

(3.) Every lease issued pursuant to a demise under this section shall be subjected to the following terms, provisions and conditions :—

(a) The term thereof shall be the period for payment of the balance of the purchase money and interest thereof specified in the notification offering the land for sale ;

(b) The term thereof shall commence to run on and from the date of the sale ;

(c) The equal annual instalments compounded of principal and interest of the balance of the purchase money and interest thereon shall be payable as rent ;

(d) The cancellation of the sale by the Minister pursuant to subsection two of section one hundred and twenty of this Act shall determine the lease and thereupon the liabilities imposed by the said subsection two consequent on the cancellation shall apply as if the lease had never issued ;

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- (e) A covenant that the Governor in Council shall, in the name of Her Majesty, grant in fee-simple to the lessee the land comprised in the lease upon payment of all moneys payable in respect of the purchasing price, including interest thereon.

(4.) The provisions of paragraph (ix.) of subsection one of section one hundred and twenty-one, and of sections one hundred and fifty-six, one hundred and fifty-eight, one hundred and fifty-nine, one hundred and sixty, and one hundred and sixty-six of this Act shall, with and subject to all necessary adaptations, apply with respect to every lease issued pursuant to a demise under this section.

(5.) The provisions of section fifty-nine of this Act shall not apply with respect to a lease issued pursuant to a demise under this section.

(6.) This section applies to all lands purchased under this Part V. of this Act on or after the seventeenth day of December, one thousand nine hundred and fifty-seven, and shall have retrospective operation accordingly.”

17. Subsection three of section one hundred and twenty of the Principal Act is amended— Amendments of s. 120 (3).

(a) By repealing the words “and upon compliance with all the conditions of sale imposed by the notification”, where appearing in the first paragraph of that subsection; and

(b) By repealing the words “who has complied in all other respects with the conditions of sale imposed by the notification”, where appearing in the second paragraph of, being the proviso to, that subsection.

18. The following section is inserted after section one hundred and twenty-eight of the Principal Act:— New s. 128A inserted.

“[128A.] (1.) Notwithstanding any provision, other than this section, of this Act or any provision of any other Act, every lessee or selector of— Lessee may elect to have rent for first period determined by Land Court.

- (a) A selection a new lease whereof was granted on or after the first day of January, one thousand nine hundred and fifty-eight, pursuant to section 109B of this Act;

- (b) A Pastoral Holding a new lease whereof was granted on or after the first day of January, one thousand nine hundred and fifty-eight, pursuant to Part III. of **"The Land Acts Amendment Act of 1952"*;
- (c) A Pastoral Holding a new lease whereof was granted on or after the first day of January, one thousand nine hundred and fifty-eight, to an applicant given priority pursuant to subsection two of section forty-one of this Act; or
- (d) A selection selected on or after the first day of January, one thousand nine hundred and fifty-eight, pursuant to section seventy-two of this Act,

may, not later than three months after the date of commencement of the term of the new lease, apply to the Minister in writing to have the rent payable for the first period of the term of the lease determined by the Land Court.

(2.) Upon application made as prescribed by subsection one of this section, the Minister shall refer to the Court for hearing and determination the matter of the rent payable for the first period of the term of the new lease the subject of that application, and thereupon the Court shall hear and determine that matter.

(3.) The provisions of sections twenty-nine and one hundred and twenty-five of this Act shall apply in respect of every matter referred to the Court pursuant to this section.

(4.) The provisions, save the proviso, of section one hundred and twenty-eight of this Act shall apply with respect to every holding the rent whereof is determined by the Court pursuant to this section.

(5.) For the purpose of calculating the period of three months mentioned in subsection one of this section in respect of any new lease granted before the enactment of this section, that lease shall be deemed to commence on the first day of January, one thousand nine hundred and fifty-nine."

Repeal of
s. 132.

19. Section one hundred and thirty-two of the Principal Act is repealed.

* 1 Eliz. 2 No. 51.

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*Land Acts, Etc., Amendment Act.*PART II.—
AMENDMENTS
OF "THE
LAND ACTS,
1910 TO 1958."Amendment
of s. 133.

20. Section one hundred and thirty-three of the Principal Act is amended by inserting after the words "lease of a selection", where appearing in the first paragraph of that section, the words "or Pastoral Holding".

21. Section one hundred and thirty-nine of the Principal Act is repealed and, in lieu of that repealed section, the following section is inserted:—

Repeal of
and new
s. 139.

"[139.] The Commissioner, or Prickly-pear Warden appointed pursuant to **The Prickly-pear Land Acts, 1923 to 1951*," as often as occasion may require, shall cause inspection to be made of any holdings within his district and prepare a list of the holdings so inspected classified according to tenure showing—

Inspections.

- (a) Those holdings which are free from prickly-pear, and the names of the Crown tenants thereof;
- (b) Those holdings which are infested with prickly-pear, and the names of the Crown tenants thereof."

22. Section one hundred and forty of the Principal Act is repealed.

Repeal of
s. 140.

23. Section one hundred and forty-one of the Principal Act is amended—

Amendments
of s. 141.

(i.) By inserting in subsection one, after the word "Commissioner", the words "or Prickly-pear Warden";

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

"(2.) (a) The Commissioner or Prickly-pear Warden shall give to the Crown tenant of each holding which is shown by such list to be infested with prickly-pear a notice stating that it is so infested and requiring him to eradicate all prickly-pear thereon within the time and in the manner specified in such notice.

(b) Each Crown tenant to whom such a notice has been given shall thereupon eradicate all prickly-pear on his holding in compliance in every respect with the terms of such notice, and shall thereafter maintain such holding free from prickly-pear."

New s. 141A
inserted.*Harrisia*
cactus.

24. The following section is inserted after section one hundred and forty-one of the Principal Act:—

"[141A.] (1.) The provisions of this section shall apply to all holdings which at the date of the enactment of this subsection are, or which at any time after that date become, infested with the species of prickly-pear known as *Harrisia* cactus.

(2.) The lease or license of any holding not specifically subject to a condition for the destruction of *Harrisia* cactus shall, on and after the passing of *"*The Land Acts and Other Acts Amendment Act of 1958*" be subject to a condition requiring the Crown tenant thereof to maintain his holding free from *Harrisia* cactus, or if his holding is infested with *Harrisia* cactus, to proceed forthwith to eradicate such *Harrisia* cactus from his holding, and thereafter to maintain his holding free from *Harrisia* cactus.

(3.) In the case of any holding infested with *Harrisia* cactus, if at any time the Commissioner or Prickly-pear Warden is of opinion that no steps have been taken for the eradication of such *Harrisia* cactus, or that the rate of eradication of such *Harrisia* cactus is not satisfactory, he shall give the Crown tenant thereof a notice requiring him to commence and complete, or to complete, as the case may require, such eradication within the time and in the manner specified in such notice.

(4.) (a) Where the Minister is satisfied that it is necessary to cut down or otherwise destroy any trees upon any holding, road, stock route or reserve for the purpose of freeing the same from, or preventing the likelihood of infestation thereof by, *Harrisia* cactus, the Minister may, in writing, authorise the Crown tenant or Local Authority named in the writing to cut down or otherwise destroy those trees.

Any person so authorised by the Minister may cut down or otherwise destroy any tree to which this subsection applies provided he does so in compliance in every respect with that authority.

(b) This subsection does not apply with respect to trees comprised in a State Forest or National Park under and within the meaning of †"*The State Forests and National Parks Acts, 1906 to 1948.*"

* This Act.

† 6 E. 7 No. 20 and amending Acts.

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(c) Except trees exempted by paragraph (b) of this subsection, this subsection applies with respect to trees wheresoever situated, and accordingly to the extent necessary to give operation and effect to this subsection the provisions of every other Act or law shall apply subject to this subsection."

25. Section one hundred and forty-two of the Principal Act is repealed. Repeal of s. 142.

26. Section one hundred and forty-three of the Principal Act is repealed and, in lieu of that repealed section, the following section is inserted:— Repeal of and new s. 143.

"[143.] Upon the failure of any Crown tenant to comply with any requirement of any notice issued to him pursuant to the provisions of section one hundred and forty-one or section 141A of this Act the lease or license of his holding shall be rendered liable to forfeiture and the provisions of section one hundred and thirty-three of this Act shall, with and subject to all necessary adaptations, apply. Forfeiture for failure to eradicate prickly-pear.

In every case, the burden of proof that the said requirement has been duly complied with shall rest upon the Crown tenant."

27. Section one hundred and forty-four of the Principal Act is repealed and, in lieu of that repealed section, the following section is inserted:— Repeal of and new s. 144.

"[144.] (1.) On and after the passing of *"*The Land Acts and Other Acts Amendment Act of 1958*" it shall be the duty of every Local Authority to proceed forthwith to eradicate any *Harrisia* cactus on— Roads, stock routes and reserves.

(a) Any road or stock route within its Area, save a road or stock route which is fenced in with some holding; and

(b) Any land reserved or set apart under this or any other Act for any purpose and which is vested in or under the control of the Local Authority, save a reserve which is fenced in with some holding or in respect of which a lease has been granted by the Crown,

and thereafter to maintain such road, stock route or land free from *Harrisia* cactus.

* This Act.

(2.) The liability imposed upon a Local Authority by this section is absolute and no provision of any other Act or of any rule of law shall apply so as to excuse it from that liability.

(3.) Where the Minister is of the opinion that a Local Authority is not taking, or has not taken, satisfactory steps for the eradication of *Harrisia* cactus infesting any road, stock route or land referred to in this section within its Area, he may give to that Local Authority a notice requiring it to commence or complete the eradication of such *Harrisia* cactus within the time and in the manner specified in such notice.

(4.) Upon the failure of any Local Authority to comply with any requirement of any notice given pursuant to subsection three of this section, the Minister may, in writing, authorise any person named in the authority, with or without assistants, transport, plant, equipment and materials (or any of them) as specified in the authority, to destroy any *Harrisia* cactus growing upon any road, stock route or land specified in the authority.

(5.) Authority under this section shall empower the person to whom it is given to enter, re-enter and remain, with, to the extent, if any, specified therein, assistants, transport, plant, equipment and materials, upon any road, stock route or land specified in the authority at all times during such period of time as is requisite to enable him to search for and eradicate *Harrisia* cactus on the road, stock route or land to which the authority relates, and thereon to take and do all steps and things necessary for the effective eradication of all *Harrisia* cactus thereon.

(6.) A person shall not obstruct, hinder, interrupt, threaten or assault any person in the exercise of any power conferred by an authority under this section.

(7.) All costs and expenses incurred by a person authorised under this section with respect to the exercise of that authority shall be a debt due to the Minister, and shall be payable on demand by the Local Authority concerned.

Any unpaid amount of such costs and expenses may be recovered by action in any court at the suit of the Minister or of any person thereunto authorised in writing by him.

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(8.) Compliance by a Local Authority with the requirements of this section shall be deemed a function of Local Government and accordingly a Local Authority may defray from its general fund any amount of any costs and expenses incurred by it in complying with the requirements of this section, or it may, and shall have power to make, levy and recover pursuant to **“The Local Government Acts, 1936 to 1958”*—

(a) A separate rate ; or

(b) A special rate,

for defraying any amount of those costs and expenses.

(9.) The provisions of subsections one to seven, both inclusive, of this section shall, with and subject to all necessary adaptations, apply to land set apart under this Act or any other Act for any public purpose whereof a Local Authority is not the trustee, and to the duly appointed trustees thereof.”

28. The Principal Act is amended by inserting, after section one hundred and forty-four thereof, the following section :—

New s. 144A
inserted.

“[144A.] (1.) Subject to this section the Minister may in writing exempt, to the extent specified in the exemption,—

Exemption
from
obligations
under this
Act.

(a) A Crown tenant of a holding specified in the exemption from the duty of complying with the obligation imposed upon that tenant in respect of that holding by section 141A of this Act ;

(b) A Local Authority from the duty of complying with the obligation imposed upon that Local Authority by section one hundred and forty-four of this Act in respect of any road, stock route or reserve specified in the exemption ; or

(c) Trustees, other than a Local Authority, of any reserve from the duty of complying with the obligation imposed upon them by section one hundred and forty-four of this Act in respect of that reserve,

in any case where the Minister is satisfied in the case of a holding that, having regard to the value thereof, compliance with the obligation would be uneconomic or,

in the case of a Local Authority or trustees other than a Local Authority, that compliance with the obligation would be an undue burden on its or their finances.

(2.) Such an exemption may be subject to such terms and conditions as the Minister specifies therein, or separately in writing including, but without limit to the power of the Minister to subject such an exemption to terms and conditions, terms and conditions—

- (a) Limiting the exemption to a specified period ;
- (b) Limiting the exemption to a specified portion of the subject holding, road, stock route or reserve ;
- (c) Requiring the Crown tenant, or Local Authority, or trustees other than a Local Authority concerned to expend a specified sum in complying with the obligation the subject of the exemption, and fixing the date before which or the period during which the sum or any amount thereof should be so expended ;
- (d) Making the exemption subject to the Crown tenant, or Local Authority, or trustees other than a Local Authority concerned complying in all respects with the obligation the subject of the exemption save to the extent he, or it, or they is or are exempted from so complying.

(3.) The Minister may in writing from time to time extend for the further period, or to the later date specified in the writing, any period of time to which he has limited any exemption under this section, or any period of time or date referred to in paragraph (c) of subsection two of this section.

(4.) The Minister may in writing revoke any exemption under this section if he is satisfied—

- (a) That the terms and conditions thereof have not been or are not being complied with in every respect ; or
- (b) That the circumstances taken into account by him in respect of the grant of the exemption have since changed substantially.

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(5.) The revocation by the Minister of an exemption shall not prejudice his power under this section to grant any other such exemption to the holder of the revoked exemption."

29. The Principal Act is amended by inserting, New s. 144 B inserted. after section 144A thereof, as previously inserted by this Act, the following section:—

"[144B.] (1.) Notwithstanding anything in this or any other Act or any rule of law, where notice of the use of any poisonous or noxious substance has been given in compliance with the requirements of subsection two of this section, no person shall have any right or remedy in damages or otherwise howsoever against the Crown, or the Minister, or any Local Authority, or the trustees, other than a Local Authority, of any reserve, or any Crown tenant, or any agent or employee of any of the aforesaid, in respect of death or injury to any livestock resulting from the use—

Indemnity in respect of stock lost through the use of poison, &c., for destroying *Harrisia cactus*.

- (a) In the case of the Crown, on any land whether or not Crown land ;
- (b) In the case of a Local Authority, on any road, stock route or reserve ;
- (c) In the case of the trustees, other than the Local Authority, of any reserve, on the reserve ; or
- (d) In the case of any Crown tenant, on any road or stock route fenced in with the holding whereof he is the Crown tenant,

of that poisonous or noxious substance for any purpose of or connected with the eradication or attempted eradication of *Harrisia cactus*.

(2.) For the purposes of subsection one of this section, notice of the use of any poisonous or noxious substance shall, in respect of any land, be given—

- (a) By advertisement published at least twice in a newspaper generally circulating in the locality in which the land is situated within the period commenced not earlier than twenty-one days and ended not later than seven days before the use of the poison or other noxious substance is commenced ;
- (b) By affixing, before the use of the poison is commenced, and thereafter keeping affixed in a conspicuous manner on or in the

immediate vicinity of the land such and so many notices as are reasonably sufficient to give public notice of the use thereon of the poison or other noxious substance ; and

- (c) By, before the use of the poison or other noxious substance is commenced, serving on every resident occupier of land abutting or having a frontage to the land whereon the poison or other noxious substance is used notice of the intended use thereof."

New s. 144c
inserted.

30. The Principal Act is amended by inserting, after section 144B thereof, as previously inserted by this Act, the following section :—

Land
deemed to be
included in
holding.

" [144c.] For the purposes of this Division V. of Part VI. of this Act—

- (a) Any road, stock route or reserve adjoining or within the boundaries of and fenced in with a holding ;
- (b) The bed and banks of, and the water in, any watercourse within the boundaries of, a holding, or within the boundaries of a road, stock route or reserve which is fenced in with a holding ; and
- (c) The bed and banks of, and the water in, up to the centre line of, any watercourse abutting upon or bounding any, or any part of any, holding or abutting upon or bounding any, or any part of any, road, stock route or reserve which is fenced in with a holding,

shall be deemed to be comprised in and to form part of the holding."

Amendment
of s. 156.

31. Section one hundred and fifty-six of the Principal Act is amended by inserting, after the words "Perpetual Country Lease" where appearing in the first paragraph thereof, the words "or of a lease issued pursuant to a demise under section 119A of this Act,".

Amendments
of s. 169.

32. Section one hundred and sixty-nine of the Principal Act is amended—

- (i.) By inserting, after the word "lessee", where that word first appears, the words "occupier under license" ;

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LAND ACTS,
1910 TO 1958."

(ii.) By repealing subparagraph (c) of the first paragraph and inserting, in lieu of that repealed subparagraph, the following subparagraph:—

“(c) The gross value of his estate does not exceed two thousand pounds;” and

(iii.) By repealing in the first paragraph all words from and including the words “cause transmission” to the end thereof and by inserting, in lieu of those repealed words, the words “cause transmission by death to be entered up in the proper records of the Department of Public Lands as if probate or letters of administration with the will annexed or, if the deceased died without leaving a will, letters of administration had been duly granted”.

33. Section one hundred and seventy-nine of the Principal Act is amended by adding thereto the following subsections:—

Amendments
of s. 179.

“(8.) With respect to land in the opinion of the Governor in Council abnormally costly to develop by reclaiming or filling or by other works thereon, the Governor in Council, without limiting the conditions that he in his discretion may impose, may issue with or without competition a lease in pursuance of this section subject to special conditions providing for—

- (a) The specific development of the land in order to render it fit for manufacturing, industrial, residential or business purposes;
- (b) The time within which the development work shall commence and the rate of progress which must be observed by the lessee during each year of a specified period of the lease;
- (c) The tenure under which the land or part thereof may be subsequently granted to the lessee after its development and compliance with any other conditions of lease, and the purchasing price to be paid for the freehold thereof or the capital value to be charged under Perpetual Lease, whichever may be granted.

(9.) Notwithstanding anything in this Act or any other Act, upon satisfactory development of the land or any part thereof and upon surrender of the existing Special

Lease either wholly or in respect of the part in question of the land, as the case requires, the Governor in Council may—

- (a) Sell the land or the part thereof so developed to the lessee at the purchasing price set out in the conditions of the Special Lease and, if no purchasing price has been specifically set out in the conditions of such lease in respect of the part developed and proposed to be sold, then at a sum fixed by the Governor in Council as a fair proportionate amount of the total purchasing price so set out; or
- (b) Issue to the lessee of the Special Lease a Perpetual Lease under section one hundred and twenty-one of **"The Land Acts, 1910 to 1958,"* at the capital value set out in the conditions of such Special Lease and, if no capital value has been specifically set out in the conditions in respect of the part developed and in respect of which a Perpetual Lease is to be issued, then at a sum fixed by the Governor in Council as a fair proportionate amount of the total capital value so set out.

Where part only of the developed land is to be sold or leased as hereinbefore specified in this subsection, the Governor in Council may reserve the remaining part or any portion thereof for a public purpose within the meaning of this Act or otherwise deal therewith under the provisions of this Act."

New s. 182A inserted.

34. The Principal Act is amended by inserting, after section one hundred and eighty-two thereof, the following section:—

Land may be held by trustees in official name without specifying their individual names.

"[182A.] (1.) It shall be sufficient, in any deed of grant whereby any Crown Land is granted in trust, or in any Order in Council whereby any Crown land reserved or set apart for a public purpose is placed under the control of trustees, to specify the trustees by the official name of "The Trustees of the (*stating the style or title of the trustees or otherwise sufficiently identifying the trust*)" without individually naming them.

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

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(2.) There shall be kept in the Department of Public Lands a register of trustees of all Crown lands for the time being granted in trust or placed under the control of trustees by an official name which does not individually name the trustees.

Such register shall be in or to the effect of the form appearing in the Schedule to this section, and there shall be entered therein the individual names of the first trustees and all other particulars indicated therein.

From time to time, upon the appointment under this Act of any new trustee, there shall be inserted in such register the name of the new trustee, and how the vacancy in the trust occurred, whether by death, retirement or otherwise, and the date of the appointment of the new trustee, and also the date of the insertion of his name in such register, and the officer making any such entry shall sign his name in such register as indicated therein.

Such register may be amended at any time by rectifying any error or supplying any omission therein, and the officer making the rectification shall initial such amendment and add the date thereof, but shall not render illegible the part so rectified.

(3.) A book purporting to be the register of trustees hereinbefore referred to in this section shall, on production thereof by the secretary of the Land Administration Board for the time being or by any person appointed in writing so to do by him, be received and taken in all legal proceedings and on all occasions whatsoever as sufficient evidence (except in case of fraud or collusion) for and against not only the immediate parties but for and against third persons, mortgagees and all others whom it may concern, as to who are or were the trustees of and also of the vacancies which occurred in the Trust in question, and of the appointment of new trustees to supply such vacancies and of the date of the insertion of their names as aforesaid in such register of trustees and of their consent to act and of all other matters recorded therein, in pursuance of this section.

Production
of register
sufficient
evidence.

Judicial notice shall be taken of such book, and of any signature or initials therein; and any extract purporting to be an extract from such register of trustees, and certified under the hand of the said secretary shall be received and taken in all legal proceedings and in all

dealings with the land the subject of the trust as sufficient evidence of the several extracted matters comprised in such extract without the production of such register, and judicial notice shall be taken of the signature of the said secretary to every such extract.

(4.) Any mortgage, lease or other dealing of or in any land to which this section applies shall, if signed by a majority of the trustees for the time being named in the register of trustees, be as effectual as if such mortgage, lease or other dealing had been duly signed by all the trustees.

Existing trusts.

(5.) The Governor in Council may by Order in Council published in the *Gazette* declare the official name by which any land granted in trust before the enactment of this section may be held by the trustees for the time being thereof on and after the date of the publication in the *Gazette* of the Order in Council without any such trustees being individually named.

(6.) The Registrar of Titles shall, by virtue of this section, have power and authority to, and shall cause to be made, any necessary entries or endorsements in the appropriate register book concerned and do and execute all such other acts, matters and things as may be necessary and proper to give full effect to any Order in Council made under subsection five of this section."

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PART II.—
AMENDMENTS
OF "THE
LAND ACTS,
1910 TO 1958."

SCHEDULE.

SCHEDULE.

"The Land Acts, 1910 to 1958."

REGISTER OF TRUSTEES.

Folio..... Trustees (here insert style or title of the trustees or name of or, words sufficiently identifying, the trust)
of the land situated in the County of..... Parish of....., containing an area of
..... acres roads and perches, and described as (here insert Real Property or Survey Office description of the land).

Number of Trustees (state number).						
Name of Trustee.	Address and Occupation of Trustee.	Date of Appointment of New Trustee.	Date of Insertion of Name of New Trustee herein.	Signature of Officer.	How Vacancy Occurred in Trust such as Death or the like.	Signature of Officer.
A B ..	Wickham Terrace, Brisbane	..	..	..	Deceased ..	..
C D ..	ditto ..	..	..	..	Resignation ..	..
E F ..	ditto ..	..	..	..	Removal from office ..	..
G H ..	..	July 1st, 1941	July 2nd, 1941	..	..	..

PART III.—
AMENDMENTS
OF “THE
CLOSER
SETTLEMENT
ACTS
AMENDMENT
ACT OF
1917.”

Land Acts, Etc., Amendment Act. 7 ELIZ. II. No. 71,

PART III.—AMENDMENTS OF “THE CLOSER SETTLEMENT ACTS AMENDMENT ACT OF 1917.”

Interpreta-
tion of
Part III.
and
collective
title.

35. (1.) This Part of this Act shall be read as one with **“The Closer Settlement Acts, 1906 to 1957,”* and those Acts and this Part of this Act may be collectively cited as *“The Closer Settlement Acts, 1906 to 1958.”*

(2.) This Part of this Act shall come into operation on the first day of January, one thousand nine hundred and fifty-nine.

Amendments
of s. 3 of
8 Geo. V.
No. 10.

36. Section three of †*“The Closer Settlement Act Amendment Act of 1917,”* as heretofore amended, is further amended by—

(a) Adding a proviso to the third paragraph thereof as follows :—

“Provided that the annual rent of any selection whereof the first period of fifteen years is current on the first day of January, one thousand nine hundred and fifty-nine, shall on and after such date, be at the rate of three pounds per centum of the notified capital value of the land.”

(b) By repealing the fourth paragraph thereof and inserting, in lieu of that repealed paragraph, the following paragraphs :—

“The annual rent for each period of seven years thereafter shall be determined by the Court at a sum equal to three pounds per centum of the fair unimproved capital value of land of similar quality in the same neighbourhood.

Where pursuant to the provisions of this section, as in force at any time prior to the first day of January, one thousand nine hundred and fifty-nine, the Court shall have determined the annual rent of any selection under this Act for any period current at that date at a sum greater than three pounds per centum of the fair unimproved capital value, as at the date of the determination, of land of similar quality in the same neighbourhood then, and in every such case, the annual rent shall be reduced to three pounds per centum of the aforesaid capital value on and from the said first day

* 6 E. 7 No. 32 and amending Acts.

† 8 G. 5 No. 10.

1958.

Land Acts, Etc., Amendment Act.

PART III.—
AMENDMENTS
OF “THE
CLOSER
SETTLEMENT
ACTS
AMENDMENT
ACT OF
1917.”

of January, one thousand nine hundred and fifty-nine, and thereafter until the expiry of the period in respect whereof that annual rent was determined at the aforesaid greater sum.”

37. Section five of **“The Closer Settlement Act Amendment Act of 1917,”* as heretofore amended, is further amended by repealing subsection two and inserting, in lieu of that repealed subsection, the following subsection :—

“(2.) Section one hundred and twenty-one of †*“The Land Acts, 1910 to 1958,”* shall apply to all such lands.

Where pursuant to the provisions of this section as in force at any time prior to the first day of January, one thousand nine hundred and fifty-nine, the annual rent of any land sold pursuant to this section for any period current at that lastmentioned date has been reserved or determined by the Court at a sum greater than three pounds per centum of—

- (a) Whichever was the greater, namely the notified upset price of the land when offered for sale by auction or the capital sum bid by the purchaser at the auction; or
- (b) (In the case of such a determination) the fair unimproved capital value, as at the date of the determination, of land of similar quality in the same neighbourhood,

then, and in every such case the annual rent shall be reduced to three pounds per centum of—

- (i.) The aforesaid upset price or sum bid by the purchaser, whichever is the greater; or
- (ii.) (In the case of such a determination) the aforesaid capital value,

on and from the first day of January, one thousand nine hundred and fifty-nine, and thereafter until the expiry of the period in respect whereof that annual rent was reserved or determined at the aforesaid greater sum, and any amount paid in excess of such reduced rent shall be credited to future rental payments.”

* 8 G. 5 No. 10.

† 1 G. 5 No. 15 and amending Acts.

PART IV.—
AMENDMENTS
OF “THE
DISCHARGED
SOLDIERS’
SETTLEMENT
ACTS, 1917
TO 1957.”

Land Acts, Etc., Amendment Act. 7 ELIZ. II. No. 71,

PART IV.—AMENDMENTS OF **“THE DISCHARGED SOLDIERS’ SETTLEMENT ACTS, 1917 TO 1957.”*

Interpreta-
tion of this
Part and
collective
title.

38. (1.) This Part of this Act shall be read as one with **“The Discharged Soldiers’ Settlement Acts, 1917 to 1957,”* and those Acts and this Part of this Act may be collectively cited as *“The Discharged Soldiers’ Settlement Acts, 1917 to 1958.”*

(2.) This Part of this Act shall come into operation on the first day of January, one thousand nine hundred and fifty-nine.

Amendment
of s. 5A.

39. Section 5A of **“The Discharged Soldiers’ Settlement Acts, 1917 to 1957,”* is amended by repealing provision (2) and inserting, in lieu of that repealed provision, the following provision :—

“(2.) During the first fifteen years the annual rent reserved shall be a sum equal to three pounds per centum of the notified capital value of the land.

The annual rent for each period of seven years thereafter shall be determined by the Court at a sum equal to three pounds per centum of the fair unimproved capital value of land of similar quality in the same neighbourhood.

The annual rent of any Perpetual Lease Selection to which this section applies for the period current at the first day of January, one thousand nine hundred and fifty-nine, shall be reduced to three pounds per centum of—

- (i.) If the period so current is the first fifteen years of the term of the lease, the notified capital value of the land when opened for selection ; or
- (ii.) In any other case, the unimproved capital value, as at the date of the determination of the rent by the Court, of the land,

on and from the first day of January, one thousand nine hundred and fifty-nine, and thereafter until the expiry of the period so current.”

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PART V.—
AMENDMENTS
OF “THE
TULLY SUGAR
WORKS AREA
LAND
REGULATIONS
ACTS, 1924
TO 1957.”

PART V.—AMENDMENTS OF * “THE TULLY SUGAR WORKS AREA LAND REGULATIONS ACTS, 1924 TO 1957.”

40. (1.) This Part of this Act shall be read as one with **“The Tully Sugar Works Area Land Regulations Acts, 1924 to 1957,”* and those Acts and this Part of this Act may be collectively cited as *“The Tully Sugar Works Area Land Regulations Acts, 1924 to 1958.”*

Interpreta-
tion of this
Part and
collective
title.

(2.) This Part of this Act shall come into operation on the first day of January, one thousand nine hundred and fifty-nine.

Commence-
ment of this
Part.

41. The Schedule to **“The Tully Sugar Works Area Land Regulations Acts, 1924 to 1957,”* is amended—

Amendments
of Sch. to
15 Geo. V.
No. 22.

(a) By repealing in paragraph (e) of clause seven the words and quotation marks ““ five pounds ””, where twice appearing, and inserting, in lieu of those repealed words and quotation marks, where twice repealed, the words and quotation marks ““ three pounds ””;

(b) By adding to clause [seven the following paragraph :—

“ Where pursuant to the provisions of this clause seven as in force at any time prior to the first day of January, one thousand nine hundred and fifty-nine, the annual rent of any Perpetual Lease Selection to which these Regulations apply for any period current at that lastmentioned date has been reserved or determined by the Court at a sum greater than three pounds per centum of—

(a) The notified capital value of the land when opened for selection under these Regulations ;
or

(b) (In the case of such a determination) the unimproved capital value of the land as if it were held in fee-simple at the date of the determination,

then, and in every such case the annual rent shall be reduced to three pounds per centum of—

(i.) The aforesaid notified capital value ; or

PART V.—
AMENDMENTS
OF "THE
TULLY SUGAR
WORKS AREA
LAND
REGULATIONS
ACTS, 1924
TO 1957."

Land Acts, Etc., Amendment Act. 7 ELIZ. II. No. 71,

(ii.) (In the case of such a determination) the aforesaid capital value,

on and from the first day of January, one thousand nine hundred and fifty-nine, and thereafter until the expiry of the period in respect whereof that annual rent was reserved or determined at the aforesaid greater sum." ; and

(c) By repealing paragraph (1) of clause eight and inserting, in lieu of that repealed paragraph, the following paragraph :—

" (1) Where pursuant to the provisions of this clause eight as in force at any time prior to the first day of January, one thousand nine hundred and fifty-nine, the annual rent of any land to which these Regulations apply for any period current at that lastmentioned date has been reserved or determined by the Court at a sum greater than three pounds per centum of—

(a) Whichever was the greater, namely the notified upset price of the land when offered for sale under these Regulations or the capital sum bid by the purchaser at the sale ; or

(b) (In the case of such a determination) the unimproved capital value, as at the date of the determination, of the land,

then, and in every such case the annual rent shall be reduced to three pounds per centum of—

(i.) The aforesaid upset price or sum bid by the purchaser, whichever is the greater ; or

(ii.) (In the case of such a determination) the aforesaid capital value,

on and from the first day of January, one thousand nine hundred and fifty-nine, and thereafter until the expiry of the period in respect whereof that annual rent was reserved or determined at the aforesaid greater sum, and any amount paid in excess of such reduced rent shall be credited to future rental payments."

PART VI.—
AMENDMENTS
OF "THE
LAND ACTS
AMENDMENT
ACT OF
1927."

PART VI.—AMENDMENTS OF *"THE LAND ACTS
AMENDMENT ACT OF 1927."

Interpreta-
tion of Part.

42. This Part of this Act shall be read as one with *"*The Land Acts Amendment Act of 1927,*" as heretofore amended.

1958.

Land Acts, Etc., Amendment Act.

43. Subsection two of section sixteen of **"The Land Acts Amendment Act of 1927,"* as heretofore amended, is further amended by inserting, after the word "ringbarking", the words "the clearing of prickly-pear or any other noxious plant".

PART VI.—
AMENDMENTS
OF "THE
LAND ACTS
AMENDMENT
ACT OF
1927."

Amendment
of s. 16 (2)
of 18 Geo.
V. No. 17.

PART VII.—AMENDMENTS OF †*"THE WAR SERVICE LAND SETTLEMENT ACTS, 1946 TO 1951."*

PART VII.—
AMENDMENTS
OF "THE
WAR SERVICE
LAND
SETTLEMENT
ACTS, 1946
TO 1951."

Interpreta-
tion of this
Part and
collective
title.

44. This Part of this Act shall be read as one with †*"The War Service Land Settlement Acts, 1946 to 1951,"* and those Acts and this Part of this Act may be collectively cited as *"The War Service Land Settlement Acts, 1946 to 1958."*

45. Section three of †*"The War Service Land Settlement Acts, 1946 to 1951,"* is amended—

Amendment
of s. 3 of
10 Geo. VI.
No. 23.

(a) By, in the definition of "Member of the Forces" therein—

(i.) Repealing the word "and" appearing at the end of paragraph (f) of that definition; and

(ii.) Inserting after paragraph (g) of that definition the following paragraph:—

"and (h) A member of the Permanent Forces, including a member of any of the services mentioned in paragraph (d) of this definition, who is or was engaged in the warlike operations in Korea after the twenty-sixth day of June, one thousand nine hundred and fifty, or in Malaya after the twenty-eighth day of June, one thousand nine hundred and fifty;"; and

(b) By adding to the definition "War" therein the words "and also means the warlike operations in Korea after the twenty-sixth day of June, one thousand nine hundred and fifty, and in Malaya after the twenty-eighth day of June, one thousand nine hundred and fifty".

46. Subsection two of section ten of †*"The War Service Land Settlement Acts, 1946 to 1951,"* is amended by repealing the words "and the Minister approves of such application, transfer of the selection may only be permitted to a person eligible to select a similar selection

Amendment
of s. 10 (2)
of 10 Geo.
VI. No. 23.

* 18 Geo. 5 No. 17.

† 10 G. 6 No. 23 and amending Acts.

PART VII.—
AMENDMENTS
OF “THE
WAR SERVICE
LAND
SETTLEMENT
ACTS, 1946
TO 1951.”

Land Acts, Etc., Amendment Act. 7 ELIZ. II. No. 71,

in terms of this Act”, where appearing in the first proviso to, being the third paragraph of, that subsection, and inserting, in lieu of those repealed words, the words “the Minister may approve of the transfer of the selection to any person, whether or not an eligible person within the meaning of this Act, who is otherwise qualified under the Principal Act to hold the selection”.

PART VIII.—
AMENDMENTS
OF “THE
LAND ACTS
AND OTHER
ACTS
AMENDMENT
ACT OF
1957.”

PART VIII.—AMENDMENTS OF **“THE LAND ACTS AND OTHER ACTS AMENDMENT ACT OF 1957.”*

47. This Part of this Act shall be read as one with **“The Land Acts and Other Acts Amendment Act of 1957.”*

Interpreta-
tion of this
Part.

Amendments
of s. 4 of
6 Eliz. II.
No. 16.

Section four of **“The Land Acts and Other Acts Amendment Act of 1957”* is amended—

(a) By inserting, after the words “Perpetual Lease Prickly-pear Development Selection” the words “or Settlement Farm Lease”; and

(b) By repealing the words “the area whereof does not exceed two thousand five hundred and sixty acres, and”.

Amendments
of s. 6 of
6 Eliz. II.
No. 36.

48. Section six of **“The Land Acts and Other Acts Amendment Act of 1957”* is amended—

(a) By repealing the second paragraph of subsection three; and

(b) By adding the following subsection:—

“(4.) To the extent necessary to give operation and effect to the provisions of subsection three of this section every provision of †*“The Land Acts, 1910 to 1958,”* or of any Order in Council under section fifty-one of those Acts (whether made before, on or after the enactment of this subsection) limiting the maximum area or maximum aggregated area which may be held by any one person as an Agricultural Farm or Agricultural Farms shall apply so as not to prejudice or affect howsoever the entitlement of any person to a new lease or license to a holding as an Agricultural Farm as prescribed by subsection three of this section:

Provided that, save as respects the holding by the person thereunto entitled pursuant to subsection three of this section of any Agricultural Farm held as prescribed

* 6 Eliz. II. No. 36.

† 1 G. 5 No. 15 and amending Acts.

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Land Acts, Etc., Amendment Act.

PART VIII.—
AMENDMENTS
OF “THE
LAND ACTS
AND OTHER
ACTS
AMENDMENT
ACT OF
1957.”

by that subsection, the area of any Agricultural Farm held as prescribed by the said subsection three shall be taken into account in calculating the area declared or prescribed by **“The Land Acts, 1910 to 1958,”* or of any Order in Council under section fifty-one of those Acts (whether made before, on or after the enactment of this section) to be the maximum area or maximum aggregated area which may be applied for or held by that person under **“The Land Acts, 1910 to 1958”* :

Provided further that for the purpose of determining whether or not a person other than the person thereunto entitled pursuant to subsection three of this section is qualified to acquire or hold any Agricultural Farm the area whereof exceeds two thousand five hundred and sixty acres, the area of that Agricultural Farm shall be deemed to be two thousand five hundred and sixty acres.

49. Section ten of †*“The Land Acts and Other Acts Amendment Act of 1957”* is amended by inserting after the words “or section one hundred and seventy-six” the words “or section one hundred and ninety-three”.

Amendment
of s. 10 of
6 Eliz. II.
No. 36.

50. Subsection one of section twenty-nine of †*“The Land Acts and Other Acts Amendment Act of 1957”* is hereby amended by inserting, after the words “Perpetual Lease Selection”, the words “or Settlement Farm Lease”.

Amendment
of s. 29 (1)
of 6 Eliz. II.
No. 36.

PART IX.—STUD HOLDINGS.

PART IX.—
STUD
HOLDINGS.

51. This Part of this Act shall be read as one with *“The Land Acts, 1910 to 1958.”*

Interpreta-
tion of Part.

52. (1.) A lessee of a holding, or of two or more adjacent holdings worked conjointly which has or have been developed and used for the production of Stud Merino sheep or of any breed of stud beef cattle may apply to the Minister to have the tenure of his holding or holdings converted to a Stud Holding.

Application
for Stud
Holding.

(2.) Every such application shall be in writing, be signed by the applicant, set out the name, area, situation and description of the holding or of the holdings

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

† 6 Eliz. II. No. 36.

respectively to which it relates, and contain or be accompanied by the following information and particulars, that is to say :—

- (a) The description and situation of all existing improvements upon the holding or holdings to which the application relates and the approximate cost or estimated present value of any and every such improvement ;
- (b) The description and intended situation of any improvements proposed to be made and the respective estimated cost of any and every such proposed improvement ;
- (c) The carrying capacity as at the date of the application of the holding or holdings to which it relates ;
- (d) An estimate of the extent to which the quality of, the carrying capacity of, and production from, the land comprised in the holding or holdings to which the application relates will be increased or safeguarded, or increased and safeguarded by the carrying out of the proposed improvements ;
- (e) The numbers respectively of sires and of females depastured on the holding or holdings to which the application relates during each of the five years next preceding the date of the application ;
- (f) The numbers respectively of sires and of females proposed to be depastured on the Stud Holding if granted pursuant to the application ;
- (g) The number of sires which can reasonably be produced and sold each year from the Stud Holding if granted pursuant to the application ;
- (h) Whether or not the applicant is prepared to surrender any part or parts of the holding or holdings to which the application relates ;
- (i) Such other information and particulars as may be prescribed or, insofar as not prescribed, required by the Minister from time to time ; and
- (j) Any other information or particulars deemed by the applicant to be relevant to the application.

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*Land Acts, Etc., Amendment Act.*PART IX.—
STUD
HOLDINGS.

53. (1.) The Minister shall refuse to accept and shall reject any such application unless—

When
Minister to
reject appli-
cation.

(a) Where the application is made in respect of the production of Stud Merino sheep he is satisfied—

(i.) That not less than three thousand registered Stud Merino ewes were depastured on the holding or holdings to which the application relates at all times during the period of five years next preceding the date of the application ; and

(ii.) That not less than four hundred registered Stud Merino rams produced on the holding or holdings to which the application relates were sold for breeding purposes elsewhere than on such holding or holdings during each of the three years next preceding the date of the application ; or

(b) Where the application is made in respect of the production of any breed of stud beef cattle he is satisfied that not less than sixty bulls of that breed produced on the holding or holdings to which the application relates were sold for breeding purposes elsewhere than on such holding or holdings during each of the three years next preceding the date of the application.

(2.) The Minister may require an applicant to furnish to him, within a period of time specified by him, all such additional information and particulars as he deems necessary for the purposes of this section.

(3.) Notwithstanding subsection one of this section, the Minister may accept any application under this Part IX. of this Act from an applicant who, he is satisfied—

(a) Is the proprietor of a Merino Sheep Stud which has been established and registered in another State of the Commonwealth for not less than twenty-five years and is being carried on there ; and

(b) Has acquired the holding or holdings to which the application relates for the purpose of establishing and carrying on thereon a Merino Sheep Stud.

Powers, &c.,
of Minister
as respects
applications.

54. Save applications under this Part of this Act rejected by him, upon receipt thereof the Minister—

(a) Shall refer the application to the Land Administration Board for investigation and report as herein provided in this Part IX. of this Act; and

(b) May refer the application to the Advisory Committee constituted under section fifty-four of this Act for the making by that committee of any investigation, inquiry, or inspection of the holding or holdings to which the application relates as directed by the Minister.

Advisory
Committee.

55. (1.) The Minister may, at his discretion, constitute an Advisory Committee for the purposes of this Part IX. of this Act.

(2.) That committee shall consist of—

(a) An officer of the Department of Public Lands nominated by the Minister who shall be the chairman of the committee;

(b) An officer of the Department of Agriculture and Stock nominated by the Minister for the time being administering that Department and approved by the Minister;

(c) A person nominated by the Merino Stud Breeders' Association and approved by the Minister; and

(d) A person nominated by the United Stud Beef Cattle Breeders Association of Australia and approved by the Minister,

all of whom shall be appointed by the Minister in writing under his hand:

Provided that—

(i.) The member to whom paragraph (c) of this subsection applies shall not act as a member of the committee as respects any applications made in respect of the production of any breed of stud beef cattle; and

(ii.) The member to whom paragraph (d) of this subsection applies shall not act as a member of the committee as respects any application made in respect of the production of Stud Merino sheep:

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Provided further that neither such member shall act as a member of the committee as respects any application in which he is interested, but, in respect of such application, the Minister may appoint in writing another person, nominated as in his case, to act temporarily in his room.

(3.) Subject to the provisions of subsection two of this section, the Minister may from time to time make such appointments to the committee as are necessary to fill vacancies thereon howsoever arising.

(4.) The Advisory Committee shall make, in respect of applications under this Part of this Act, all such investigations, inquiries and inspections of holdings as the Minister directs, either generally or in the particular case.

The committee shall make to the Land Administration Board and, if so required by the Minister, to the Minister a report upon every investigation, inquiry or inspection made by it.

(5.) The Minister and the Land Administration Board, in respect of an application under this Part of this Act, shall have regard to any report made to him or the said Board by the Advisory Committee but shall not be bound thereby.

56. (1.) The Land Administration Board shall, in respect of every application under this Part of this Act referred to it by the Minister, investigate the following matters, that is to say:—

Investiga-
tion by Land
Administra-
tion Board.

- (a) The suitability or otherwise of the holding or holdings to which the application relates for the production of Stud Merino sheep or, as the case may be, the breed of stud beef cattle mentioned in the application in accordance with the representations made by the applicant in or in connection with the application ;
- (b) The public interest including the demand or lack of demand existing for land of the description comprised in the holding or holdings to which the application relates for the purposes of new settlement in the locality in question ;

(c) The monetary value of a Stud Lease if granted pursuant to the application; and

(d) The area of other country land whether freehold or leasehold, held by the applicant.

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

(3.) The Minister in exercising, in respect of an application as aforesaid, the powers conferred upon him by this Part of this Act, shall have regard to the report and recommendations of the said Board but he shall not be bound thereby.

Powers of
the Governor
in Council
and
Minister.

57. (1.) The Minister may recommend to the Governor in Council that an application as aforesaid—

(a) Be refused; or

(b) Be granted either wholly or in part,

and the Governor in Council may, having regard to the recommendation of the Minister but without being bound thereby,—

(a) Refuse the application; or

(b) Grant the application wholly or in part.

(2.) (a) Subsection one of this section shall apply subject to this section.

(b) A Stud Holding shall not be granted, pursuant to an application under this Part of this Act, in respect of an area which in the opinion of the Land Administration Board exceeds three living areas for grazing in the locality in question.

(c) Any other country land, whether freehold or leasehold which is or has been worked conjointly with the holding or holdings to which the application relates may be taken into account for the purposes of paragraph (b) of this subsection as if that country land were included in the area in respect whereof the Stud Holding is to be granted.

Steps to be
taken by
lessee upon
approval
wholly or in
part of his
application
for a new
lease.

58. (1.) As soon as may be after the Governor in Council has made a determination pursuant to the provisions of section fifty-seven of this Act upon an application made under this Part of this Act for a new lease, the Minister shall cause to be given to the applicant notice, in writing, of that determination.

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*Land Acts, Etc., Amendment Act.*PART IX.—
STUD
HOLDINGS.

(2.) A lessee of a holding or holdings, whose application under this Part of this Act has been granted by the Governor in Council, wholly or in part, may notify the Minister in writing that he elects to take advantage of that grant.

(3.) 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 Governor in Council granting his application either wholly or in part, or within such extended time longer than the aforesaid three months (but not exceeding six months in all) as the Minister may in his discretion allow in any particular case.

(4.) 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 Governor in Council shall be of none effect, and the existing lease or leases of the holding or holdings in respect of which that determination was made shall continue in force as if there had neither been an application under this Part of this Act in respect thereof nor a determination upon that application by the Governor in Council.

59. (1.) Upon duly electing to take advantage of a determination by the Governor in Council approving wholly or in part of his application under this Part of this Act for a new lease of a holding or holdings in substitution for the existing lease or leases therefor, a lessee shall surrender any and every such subsisting lease and thereupon a new lease as a Stud Holding shall be issued to that lessee in accordance with the determination of the Governor in Council.

When new lease to issue in substitution for existing lease.

(2.) Except as varied by subsection three of this section, all of the provisions of **"The Land Acts, 1910 to 1958,"* relating to Pastoral Leases shall apply with respect to a Stud Holding granted pursuant to this Part of this Act.

(3.) Every Stud Holding granted pursuant to this Part of this Act, shall be subject to the following additional conditions, namely :—

(a) The term of the lease shall be the period, not exceeding forty years, specified therein, and shall commence on the quarter day next

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

ensuing after the lessee shall have surrendered the lease or leases the subject of the application under this Part of this Act ;

- (b) In respect of a Stud Holding granted for the production of Stud Merino sheep the lessee shall at all times during the term of the lease depasture on the land comprised therein not less than the number of Stud female Merino sheep specified in the lease ;
- (c) The lessee shall in each year during the term of the lease sell for breeding purposes elsewhere than on the holding not less than the number specified in the lease of registered Stud Merino sires or sires of the breed of cattle, as the case may be, specified in the lease ;
- (d) The lessee shall at all times use the land comprised in the lease primarily for stud purposes ;
- (e) The lessee shall when and so often as he is thereunto required by the Minister furnish to the Minister all such information and particulars respecting the stud on the leased land, and matters and things appertaining thereto and to the carrying on thereof, as the Minister may require ;
- (f) The Governor in Council may resume from the holding and without compensation all land which, in the opinion of the Land Administration Board is in excess of one living area for grazing in the district in which the holding is situated upon the recommendation of the Minister made by him for that he is satisfied that investigations made by the Land Administration Board (and, if the Minister has referred the matter to a committee named by him for investigation, which it is hereby declared he may do at his discretion, by that committee) establish that the conditions of the lease have not been complied with, but otherwise none of such land shall be resumed without compensation during the term of the lease.

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Land Acts, Etc., Amendment Act.

(4.) Section one hundred and forty-six of **The Land Acts, 1910 to 1958*, shall apply with respect to a lease as a Stud Holding issued pursuant to this Part of this Act subject to such modifications as are necessary to give effect to the condition specified in paragraph (f) of subsection three of this section.

60. The lessee of a Stud Holding granted pursuant to this Part of this Act may at any time during the last five years of the term of his lease apply to the Minister for renewal thereof, and if the Minister is first satisfied by investigations made by the Land Administration Board (and, if the Minister has referred the matter to a committee named by him for investigation, which it is hereby declared he may do at his discretion, that committee) that the conditions of the expired lease were complied with during the term thereof, and that the lessee is *bona fide* desirous of continuing the stud in question at a satisfactory rate of production, a new lease of the land comprised in the Stud Holding may, subject to the provisions of this Part and upon the surrender of the subsisting lease, be granted.

Renewal of
lease of
Stud
Holding.

PART X.—GENERAL.

PART X.—
GENERAL.
Drought
relief.

61. (1.) Any selector of a Grazing Selection or lessee of a Pastoral Holding the term of the lease whereof commenced before the passing of this Act who has incurred substantial financial losses on the working of the holding since the first day of January, one thousand nine hundred and fifty-eight, by reason of drought, may, on that ground, apply to the Minister in writing for an extension of the lease of the holding for a period of five years.

(2.) Such application shall be made within six months after the passing of this Act, or within such further time thereafter as the Minister may, in his discretion, allow, and shall contain or be accompanied by full information and particulars, verified by statutory declaration, with respect to the financial losses on the ground whereof the application is made.

(3.) In every case the Minister shall refer the application to the Land Administration Board for inquiry and recommendation. That Board shall at the conclusion of the inquiry, forward to the Minister its recommendation in respect of the application.

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

(4.) The Minister shall consider the recommendation and may approve or disapprove thereof.

On approval by the Minister of a recommendation under this section by the Land Administration Board that the term of the lease of a holding be extended for five years, the term shall, notwithstanding anything contained in **“The Land Acts, 1910 to 1958,”* be extended accordingly and an endorsement to that effect shall be made on the instrument of lease concerned.

(5.) Any extension of lease granted under the provisions of this section shall, for the purposes of re-assessment, be deemed to have always formed part of the original term of the lease.

Provisions
with respect
to Portion
321, County
of Carlisle,
Parish of
Basset.

62. (1.) Notwithstanding the provisions of subsection five of section 54c of †*“The Water Acts, 1926 to 1957,”* or of any other Act or law, on and from the date of the enactment of this section all that piece or parcel of land situated in the County of Carlisle, Parish of Basset, described as Portion 321 (and which land was formerly described as Resubdivision 2 of Subdivision 3 of Portion 21) containing an area of 28 acres 1 rood 2 perches shall cease to be permanently reserved and set aside for cemetery purposes under **“The Land Acts, 1910 to 1958,”* under the control of the Council of the City of Mackay as trustee, and shall become and be vacant Crown land and may be dealt with as prescribed by subsection two of this section.

(2.) The Governor in Council shall, and is hereby authorised to, grant in fee-simple to the Council of the City of Mackay the land described in subsection one of this section, and thereupon that Council may, and is hereby authorised to, sell the estate in fee-simple held by it in that land, or in any parcel or portion thereof, at such price and upon such terms and conditions as it deems fit.

Provisions
with respect
to State
Forest
Rr. 702 and
707.

63. On and from the date of the enactment of this section—

(a) The land described in Schedule A to this Part of this Act and comprising part of the Crown land permanently reserved for and

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

† 17 G. 5 No. 12 and amending Acts.

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Land Acts, Etc., Amendment Act.

declared to be a State Forest and designated R.702 by the Proclamation dated the twenty-eighth day of July, one thousand nine hundred and forty-nine, and published in the *Gazette* of the thirtieth day of July, one thousand nine hundred and forty-nine, at page 242, shall cease to be reserved for, and shall no longer be included in the aforesaid State Forest ; and

- (b) The land described in Schedule B to this Part of this Act and comprising part of the Crown land permanently reserved for and declared to be a National Park and designated R.707 by the Proclamation dated the nineteenth day of January, one thousand nine hundred and fifty-six, and published in the *Gazette* of the twenty-first day of January, one thousand nine hundred and fifty-six, shall cease to be reserved for, and shall no longer be included in, the aforesaid National Park ;

and shall become and be vacant Crown land and may be dealt with as such.

SCHEDULE A.

SCHEDULES.

Schedule A.

The land situated in the County of Ward, Parish of Numinbah, containing an area of about 52 acres 3 roods, and described as Portion 226 in Plan Wd. 2306 in the Office of the Surveyor-General.

SCHEDULE B.

Schedule B.

The land situated in the County of Ward, Parish of Numinbah, containing an area of about 67 acres 2 roods, and described as Portion 225 in Plan Wd. 2305 in the Office of the Surveyor-General.