

---

*Mackay Floods Relief Act.* 7 ELIZ. II. No. 27, 1958.

---

## LAND.

**An Act to Approve and Ratify a Certain Order in Council whereby the Governor in Council made Provision for making Allotments of Land Available Free of Cost to Sufferers by the recent Floods at Mackay, for purposes incidental thereto, and for other purposes.**

7 ELIZ. II.  
No. 27.  
THE  
MACKAY  
FLOODS  
RELIEF  
ACT OF 1958.

[ASSENTED TO 14TH OCTOBER, 1958.]

**B**E 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:—

1. (1.) This Act may be cited as "*The Mackay Floods Relief Act of 1958.*" Short title.

(2.) This Act shall be read as one with \*"*The Land Acts, 1910 to 1958,*" and †"*The State Housing Acts, 1945 to 1957*" :

Provided that, to the extent necessary to give operation and effect to this Act, all of the provisions of the other Acts hereinbefore mentioned in this subsection shall be read subject to this Act.

2. The Order in Council, dated the fifteenth day of May, one thousand nine hundred and fifty-eight, and published in the *Gazette* of the seventeenth day of May, one thousand nine hundred and fifty-eight, at page nine hundred and eighty, a copy whereof is set out in the Schedule to this Act, is hereby approved and ratified; and, subject to this Act, the same shall have the force of law and be carried into effect. Approval and ratification of Order in Council.

The aforementioned Order in Council is hereinafter referred to as the "said Order".

3. The Governor in Council may, and it is hereby declared always was authorised to, in the name of Her Majesty, grant in fee-simple to The Queensland Housing Commission the land specified in the Schedule to the said Order and such grant is hereby approved and ratified. Grant.

---

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

† 9 G. 6 No. 24 and amending Acts.

---

*Mackay Floods Relief Act.* 7 ELIZ. II. No. 27,
 

---

Transfer of allotments.

4. (1.) The Queensland Housing Commission shall, and it is hereby declared always was authorised to, transfer, pursuant to the provisions of \**"The Real Property Acts, 1861 to 1956,"* the estate in fee-simple in the allotments comprised in the land specified in the Schedule to the said Order to the persons respectively determined by the Commissioner of Housing with the approval of the Treasurer of Queensland and Minister for Housing to be the flood sufferers at Mackay to whom the same shall be made available free of cost, and every such transfer is hereby approved and ratified.

(2.) In the event of the death of the person entitled pursuant to this Act to the estate in fee-simple in any allotment comprised in the land specified in the Schedule to the said Order before the Queensland Housing Commission has executed a transfer as prescribed by subsection one of this section, then the person to whom the estate in fee-simple would, if held by the person firstmentioned in this subsection, be transmitted consequent on his death shall be entitled to that transfer and subsection one of this section shall apply accordingly.

Stamp duties, &c., not payable.

5. Stamp duty under †*"The Stamp Acts, 1894 to 1956,"* and fees under \**"The Real Property Acts, 1861 to 1956,"* shall not be payable in respect of any memorandum of transfer whereto this Act applies.

Perpetual leasehold tenure.

6. Where the person to whom an allotment comprised in the land specified in the Schedule to the said Order has been made available or, in the event of his death, the person entitled, pursuant to subsection two of section four of this Act, to the transfer prescribed by subsection one of that section, elects to take an estate of perpetual leasehold therein, the Housing Commission shall surrender that allotment to the Crown.

Any allotment so surrendered shall be opened for selection as a Perpetual Town Lease or a Perpetual Suburban Lease under the provisions of †*"The State Housing Acts, 1945 to 1957,"* and §*"The Land Acts, 1910 to 1958,"* or under the provisions of §*"The Land Acts, 1910 to 1958"* :

---

\* 25 V. No. 14 and amending Acts.

† 58 V. No. 8 and amending Acts.

‡ 9 G. 6 No. 24 and amending Acts.

§ 1 G. 5 No. 15 and amending Acts.

1958.

*Mackay Floods Relief Act.*

Provided that, notwithstanding any provision of those Acts, the land shall be so opened at a nominal or peppercorn rental, which shall continue while the land continues to be used exclusively for residential purposes, and the only person authorised to apply for such lease shall be the person who made the election.

7. (1.) Where the Governor in Council is satisfied that any homeowner has suffered the loss of his home by reason of flood or cyclone, and that it is necessary or desirable to do so by reason that the land appurtenant to the home was also lost or so damaged as to be no longer a suitable residential site, then the Governor in Council may, and is hereby authorised to, grant in fee-simple to the Queensland Housing Commission without cost to it any allotment of Crown land on the terms and conditions—

Power to make land available to flood or cyclone sufferers.

- (a) That such allotment shall be made available free of cost to such homeowner either in fee-simple or as a perpetual lease according as he shall elect; and
- (b) Where two or more allotments are granted pursuant to this section at one and the same time in respect of a number of homeowners who have suffered as hereinbefore specified in this subsection, that each of those allotments shall be made available as prescribed by paragraph (a) of this subsection to such one of those sufferers as shall be determined by the Commissioner of Housing with the approval of the Treasurer of Queensland and Minister for Housing or other Minister of the Crown for the time being charged with the administration of this Act.

(2.) In this section the term "homeowner" includes, but without limit to the generality of the meaning of "owner", a person who has agreed to purchase a home together with the land appurtenant thereto.

(3.) Sections four, five and six of this Act shall, with and subject to all necessary adaptations, apply for the purposes of this section.

---

*Mackay Floods Relief Act.*      7 ELIZ. II. No. 27, 1958.

---

SCHEDULE.

## SCHEDULE.

## ORDER IN COUNCIL.

At the Executive Buildings, Brisbane, the fifteenth day of May, 1958.  
Present :

His Excellency the Governor in Council.

WHEREAS, by "*The State Housing Acts, 1945 to 1957*," it is amongst other things enacted that The Queensland Housing Commission with the consent of the Governor in Council and on the recommendation of the Minister for Public Lands may purchase or acquire any Crown land (and notwithstanding anything in any Act the Governor in Council is thereby empowered to grant any such land to the Commission at such price, if any, and on such terms and conditions as the Governor in Council thinks fit): Now, therefore His Excellency the Governor, acting by and with the advice of the Executive Council on the recommendation of the Minister for Public Lands and Irrigation, and in pursuance and exercise of the powers and authority vested in him by the said Acts and all other powers him thereunto enabling, doth hereby consent to The Queensland Housing Commission acquiring without cost the Crown land specified in the Schedule hereto on the terms and conditions following, that is to say—That each of the allotments comprised in the said Crown land shall be made available free of cost to such flood sufferer at Mackay in the State of Queensland as shall be determined by the Commissioner of Housing appointed under the said Acts with the approval of the Treasurer of Queensland and Minister for Housing either in fee-simple or as a perpetual lease at the election of such flood sufferer.

And the Honourable the Minister for Public Lands and Irrigation is to give the necessary direction herein accordingly.

Batch 1245 ; Res. 86-138.

R. B. McALLISTER, Clerk of the Council.

---

THE SCHEDULE.

THE MACKAY LAND AGENT'S DISTRICT.

*County of Carlisle, parish of Bassett, town of Mackay.*

Allotments 1 to 7 and 26 to 28 of section 140, and allotments 1, 2 and 26 to 28 of section 141 ; area, 2 acres 1 rood 14·1 perches.

---