

Queensland



ANNO DECIMO

ELIZABETHAE SECUNDAE REGINAE.

No. 2.

An Act to Amend "The Stock Routes and Rural Lands Protection Acts, 1944 to 1951," in certain particulars.

[ASSENTED TO 17TH MARCH, 1961.]

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:—

1. (1.) This Act may be cited as "*The Stock Routes and Rural Lands Protection Acts Amendment Act of 1961.*" Short title.

(2.) "*The Stock Routes and Rural Lands Protection Acts, 1944 to 1951,*" are in this Act referred to as the *Principal Act.* Principal Act.

(3.) The *Principal Act* and this Act may be collectively cited as "*The Stock Routes and Rural Lands Protection Acts, 1944 to 1961.*" Collective title.

Amendments
of s. 5 (1).

2. Subsection one of section five of the Principal Act is amended by—

(a) Omitting the definition “ Holding ” and inserting in its stead the following definition :—

Holding.

“ “ Holding ”—Any land rateable under and for the purposes of this Act whether held in fee-simple or under any tenure or subject to any trust under any Act relating to the occupation, leasing or alienation of Crown land : the term includes any land held from the Crown under an occupation license under and within the meaning of the Land Acts ; ” ;
and

(b) Repealing the definition “ Occupier ”.

Amendment
of s. 6 (2).

3. Subsection two of section six of the Principal Act is amended by inserting after the word “ inspectors ” the words “ , regional inspectors ”.

Amendments
of s. 8.

4. Section eight of the Principal Act is amended by—

(a) Omitting from paragraph (a) the words “ assessments on stock,” and the word “ assessment,” ;
and

(b) Adding the following paragraph :—

“ (g) Vest the management and control of any facility for watering travelling stock or any other facility provided under this Act for the improvement of stock routes in the Local Authority in the Area of which such facility is situated.”

Amendments
of s. 8A.

5. Section 8A of the Principal Act is amended by—

(a) Omitting the words “ and occupiers ” wherever appearing ; and

(b) Omitting the words “ or occupier ” wherever appearing.

Amendment
of s. 9.

6. Section nine of the Principal Act is amended by omitting subsection one and inserting in its stead the following subsection :—

Methods
of raising
revenue.

“ (1.) The Governor in Council may, upon the recommendation of the Co-ordinating Board, by Order in Council published in the *Gazette*, authorise and direct

funds to be raised in any year in the Areas of such Local Authorities as may be prescribed in such Order in Council by a rate upon the rateable value of all land in the Area prescribed by this section to be rateable for the purposes of this Act, which rate shall not exceed one penny halfpenny in the pound of such rateable value.

All land in the Area which is rateable for the purposes of the Local Government Acts shall also be rateable for the purposes of this Act with the exception of land used or intended for use for residential, industrial, manufacturing, business or mining purposes and situated in the Area of any City or Town or, in the case of a Shire, within any township therein.

The amount of any such rate may differ in respect to different Areas."

7. Subsection one of section thirteen of the Amendments of s. 13. Principal Act is amended by—

(a) Omitting paragraph (iii.) and inserting in its stead the following paragraph:—

“(iii.) Three owners of holdings, two of whom shall be nominated in that behalf by the United Graziers’ Association of Queensland and the other by the Selectors’ Association of Queensland;”;

(b) Omitting paragraph (vii.) and inserting in its stead the following paragraph:—

“(vii.) An owner of a holding nominated in that behalf by the Queensland Dairymen’s Organisation;”;

(c) Omitting paragraph (viii.); and

(d) Renumbering paragraph (ix.) as paragraph (viii.).

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

(a) In subparagraph (iii.) of paragraph (a) of subsection two, omitting the words “or occupiers”;

(b) In subsection two, omitting paragraph (b) and re-lettering paragraphs (c) to (i), both inclusive, as respectively (b), (c), (d), (e), (f), (g) and (h);

(c) In subsection five, omitting the words "and occupiers"; and

(d) In subsection seven, omitting the words "assessments on stock or" and, where twice appearing, the words "assessment or".

Amendments
of s. 16.

9. Section sixteen of the Principal Act is amended by—

(a) In paragraph (iv.), omitting the words "existing at the commencement of this Act or provided under paragraph (iii.) of this section" and inserting in their stead the words "and all other facilities for the improvement of stock routes existing at the commencement of this Act or provided under this Act";

(b) In paragraph (v.), omitting the words "or occupier";

(c) In paragraph (ix.), omitting the words "assessments upon stock,"; and

(d) In paragraph (x.), omitting the words "assessments on stock,".

Repeal of
and new
s. 17.

10. The Principal Act is amended by omitting section seventeen and inserting in its stead the following section:—

Agreements
with
adjoining
owners
respecting
facilities for
watering
travelling
stock.

"[17.] (1.) The Local Authority may, and shall if thereunto directed by the Minister, from time to time, enter into an agreement with the owner of any holding intersected by, adjoining or adjacent to, a stock route or part of a stock route or reserve for travelling stock within the Area of such Local Authority to provide for—

(a) A supply of water to the holding of such owner from a water facility under the control and management of such Local Authority and situated upon a stock route, part of a stock route or reserve for travelling stock; or

(b) A supply of water from a water facility on the holding of such owner to a stock route, part of a stock route or reserve for travelling stock; or

(c) The watering of travelling stock at a water facility situated upon the holding of such owner; or

- (d) The maintenance in good order and condition of a water facility under the control and management of such Local Authority and situated upon a stock route, part of a stock route or reserve for travelling stock ; or
- (e) The construction conjointly by the Local Authority and the owner of a water facility for the use of travelling stock and the stock depastured on such owner's holding :

Provided that such agreement shall not be executed by the parties unless and until the Minister has approved of the terms and conditions thereof.

(2.) The ownership of any water facility constructed in pursuance of an agreement under this section conjointly by the Local Authority and the owner for the use of travelling stock and the stock depastured upon such owner's holding shall, if either party to the agreement pays the cost thereof, be vested in such party, but if such cost is apportioned between both parties thereto, shall, unless the agreement otherwise provides, be deemed to be vested in them in proportion to the amounts of such cost paid by them respectively.

(3.) The Local Authority shall produce every such agreement to, and lodge a duplicate original or true copy thereof, with the authority charged with registering the instrument of title to the holding in question who shall cause such agreement to be noted by endorsement upon such instrument, and thereupon such agreement shall be binding upon the successors in title of the owner as well as upon him.

(4.) The Minister shall not direct a Local Authority to enter into an agreement under this section with any owner of a holding unless the Minister is satisfied that such owner is willing to enter into such agreement upon and subject to terms and conditions which will be equitable as between him and such Local Authority.

(5.) Any agreement made prior to the enactment of this section which could be lawfully made under this section shall be deemed an agreement made under this section and is hereby ratified accordingly."

11. Section nineteen of the Principal Act is amended by omitting the words "or occupier" wherever appearing. Amendments of s. 19.

Amendments
of s. 20.

12. Section twenty of the Principal Act is amended by—

- (a) Omitting paragraph (iv.);
- (b) Renumbering paragraph (v.) as paragraph (iv.) and omitting from that paragraph, as so renumbered, the words " and occupiers "; and
- (c) Renumbering paragraph (vi.) as paragraph (v.).

Repeal of
and new
ss. 22, 23,
23A, 23B,
New ss. 23C,
23D.

13. The Principal Act is amended by omitting sections twenty-two, twenty-three, 23A and 23B and inserting in their stead the following sections :—

Meaning of
terms
" holding " and
" owner ".

" [22.] For the purposes of sections twenty-three, 23A, 23B, 23C and 23D of this Act—

- (a) A stock route, part of a stock route, reserve or reserve for travelling stock which adjoins or is within the boundaries of a holding and which is not fenced out of such holding; or
- (b) The bed and banks of, and in the water to the centre line of any non-tidal watercourse or any part of a non-tidal watercourse which abuts upon or bounds a holding or any part thereof as comprises any part of the boundaries of a holding,

shall be deemed to be included in and to form part of such holding and the terms " holding " and " owner " wherever appearing in the said sections twenty-three, 23A, 23B, 23C or 23D shall be read and construed accordingly.

Duties of
owners.

[23.] Any and every owner shall, at his own cost and expense, destroy all dingoes, foxes, rabbits and (if the Minister has directed the destruction of any other vermin for the protection of lands within the Area in which his holding is situated) that other vermin and all noxious plants on his holding and shall keep free from dingoes, foxes, rabbits, other vermin as aforesaid and noxious plants his holding.

Notice
requiring
destruction
of vermin
and noxious
plants.

[23A.] (1.) Subject to the provisions of section 23B of this Act, the Local Authority may, and shall if thereunto directed by the Superintendent acting for and on the instructions of the Co-ordinating Board, serve upon the owner of a holding situated within its Area a notice in writing requiring such owner to destroy all dingoes

and/or foxes and/or rabbits and/or any other vermin (if the Minister has directed the destruction of such other vermin for the protection of lands within the Area in which such holding is situated) and/or any and every noxious plant specified in such notice on his holding within the period specified in such notice.

The provisions of this subsection shall apply so as not to prejudice, affect or otherwise howsoever derogate from any duty, obligation or liability imposed or imposable upon an owner under and in pursuance of section twenty-three or any other section of this Act or any provision thereof.

(2.) Any owner served with a notice under this section who, at the expiration of the period specified in such notice, has failed to comply with the requirements of such notice, shall be liable to a penalty of not less than ten pounds and not more than one hundred pounds.

[23B.] (1.) The Minister may, upon the recommendation of the Co-ordinating Board, at any time and from time to time, by notification published in the *Gazette*, fix a period of time within which every owner of a holding in the part or locality of the State specified in that notification shall destroy any and every noxious plant specified in that notification on his holding. Simul-
taneous
destruction
of noxious
plants.

(2.) The Minister may, upon the recommendation of the Co-ordinating Board, at any time and from time to time, by further notification published in the *Gazette*, revoke or amend, alter, vary or otherwise modify any such notification.

In the event of any such amendment, alteration, variation or other modification, the same shall thereupon become for the time being the notification in question under this section and shall have effect accordingly.

(3.) With respect to any holding or holdings within the part or locality of the State specified in a notification under this section, the Minister may at any time and from time to time by writing under his hand alter, vary or otherwise modify any notification under this section, and with respect to such holding or holdings, the same shall thereupon become for the time being the notification in question under this section and shall have effect accordingly.

(4.) With respect to any noxious plant specified in a notification under this section, the provisions of section 23A of this Act shall not apply within the part or locality of the State specified in such notification during the period of time fixed by such notification.

(5.) Any and every Local Authority, the Area or any portion of the Area of which is within the part or locality of the State specified in such a notification under this section, shall serve a copy of that notification upon the owner of any and every holding within its Area, or as the case may be, the portion aforesaid of its Area.

If with respect to such notification, any further notification (except a further notification revoking the same) is made under this section every such Local Authority shall serve likewise a copy of such further notification.

For the purposes of this subsection, any document so served by a Local Authority which purports to be a copy of such a notification or further notification shall be deemed to be such a copy unless and until the contrary is proved.

(6.) Any owner served with a copy of a notification under this section who fails to destroy, before the expiration of the period of time fixed by the notification, any and every noxious plant on his holding specified in the notification shall be liable to a penalty of not less than ten pounds or more than one hundred pounds.

(7.) The duties and obligations with respect to the destruction of noxious plants imposable in pursuance of this section upon an owner shall be in addition to, and not in derogation of, any such duty or obligation imposed or imposable upon an owner under or in pursuance of any other provision of this Act, and this section shall be construed accordingly.

**Enforcement
of notices
and notifi-
cations.**

[23c.] (1.) This section applies with respect to every owner of a holding who has been served with a notice under section 23A of this Act or with a notification under section 23B of this Act and the holding whereon or wherein that owner is required by such notice or notification to destroy dingoes, foxes, rabbits, other vermin or noxious plants or any of them ; and this

section so applies irrespective of whether or not that owner shall have been proceeded against or convicted for an offence under the said section 23A in relation to that notice or under the said section 23B in relation to that notification.

(2.) If, after the expiration of the period specified in a notice under section 23A of this Act or after the expiration of the period fixed by section 23B of this Act an inspector, regional inspector or person acting under the authority of the Superintendent or the Local Authority finds or is satisfied that there are on or in any holding on the owner whereof such notice or notification was served pursuant to the said sections 23A or, as the case may be, 23B any dingoes, foxes, rabbits, other vermin or noxious plants the destruction of which such notice or notification required, then the Local Authority may, and shall if thereunto directed by the Superintendent, authorise any person, with or without assistants, to enter upon or into such holding and there to take and do all such measures and things as it may deem expedient in endeavouring to destroy dingoes, foxes, rabbits, other vermin and noxious plants thereon or therein, or any of them, the destruction of which was required by the aforesaid notice or notification.

Any person so authorised and his authorised assistants, if any, may enter upon the holding in question and may remain and take and do all the matters and things as aforesaid thereon or therein.

(3.) The Local Authority may, and shall if thereunto directed by the Superintendent, suspend the authority as aforesaid for the time being, subject to and upon the owner concerned defraying all costs, charges and expenses incurred to the date of that suspension by the authorised person with respect to the exercise by him of that authority.

(4.) All costs, charges and expenses incurred by a person authorised under subsection two of this section with respect to the exercise of that authority shall be recoverable from the owner of the holding in question, and payment thereof may be enforced by the Local

Authority or the Superintendent in a summary way by complaint under “*The Justices Acts, 1886 to 1960*,” or by action as for a debt in any court of competent jurisdiction :

Provided that all such costs, charges and expenses shall, until payment is made, be and remain a charge upon the land in respect to which they have been incurred in priority to all mortgages, charges, liens and encumbrances whatsoever, and notwithstanding any change that may take place in ownership of the land, may be recovered from, and shall bind the owner of the land for the time being.

Whenever any such costs, charges and expenses have become a charge aforesaid upon any land, such charge shall be deemed to be a charge made under the Local Government Acts and all the applicable provisions of those Acts shall apply and extend accordingly.

(5.) The Minister may, at any time, and from time to time upon the recommendation of the Co-ordinating Board, require the Local Authority, in the exercise of its powers under this section, to carry out such directions as he may consider necessary.

(6.) The section shall apply so as not to prejudice, affect or otherwise howsoever derogate from any duty, obligation or liability imposed or imposable upon an owner under or in pursuance of any other section of this Act or any provision thereof.

Extra-ordinary noxious plants.

[23D.] (1.) This section binds the Crown and all Crown corporations or instrumentalities or corporations or instrumentalities representing the Crown.

(2.) In this section the expression “extraordinary noxious plant” means *Mimosa invisa* (Giant Sensitive Plant) and any other noxious plant declared by the Minister by notification published in the *Gazette* and in force for the time being, to be an extraordinary noxious plant.

The Minister may from time to time by notification published in the *Gazette* declare any noxious plant to be an extraordinary noxious plant.

The Minister may at any time by a like notification revoke any such notification, but without prejudice to his power to again declare the noxious plant in question to be an extraordinary noxious plant.

(3.) If the Minister has reason to believe that any land, including any Crown land, is infested by any extraordinary noxious plant he may, upon the recommendation of the Co-ordinating Board, by notification published in the *Gazette*, prohibit the removal from such land of any earth, soil, clay, sand, gravel, stone, trees or trunks, branches, stumps or roots of trees, whether standing or not, or other material whatsoever, unless with the permit of the Minister in writing under his hand first had and obtained thereto and then only upon and subject to and in strict compliance with such terms, conditions or stipulations as the Minister in his absolute and unfettered discretion deeming fit are specified in such permit.

Where such prohibition relates to any holding or part of a holding, the Minister shall cause a copy of such notification to be served upon the owner of such holding.

Where such prohibition relates to any land, other than a holding, held from the Crown in fee-simple or under lease or license, the Minister shall cause a copy of such notification to be served upon the person who holds such land in fee-simple or, as the case may be, under lease or license from the Crown.

(4.) The Minister may, upon the recommendation of the Co-ordinating Board, by notification published in the *Gazette*, revoke any notification referred to in subsection three of this section, but without prejudice to his power to again make a notification under subsection three of this section with respect to the land in question and either in relation to the same or any other extraordinary noxious plant.

(5.) Any person who removes, or who permits or allows or suffers to be removed, any earth, soil, clay, sand, gravel, stone, tree or any trunk, branch, stump or root of any tree, whether standing or not, or other material whatsoever from any holding or other land, including any Crown land, contrary to a prohibition imposed by the Minister under this section, shall be guilty of an offence against this Act, and liable to a penalty not exceeding one hundred pounds.

If any person charged with permitting, allowing or suffering any earth, soil, clay, sand, gravel, stone, tree or any trunk, branch, stump or root of any tree,

whether standing or not, or other material to be removed from any holding or other land contrary to this section satisfies the court that he is the owner of such holding or, in the case of land other than a holding, the holder under the Crown of such land, and that the owner at the time, of such land or his predecessor in ownership of such land, has not been served with a copy of the notification in relation to such land referred to in subsection three of this section, then the court shall not convict him.

(6.) To the extent necessary to give operation and effect to this section and to any prohibition imposed pursuant to any notification referred to in subsection three of this section, the provisions of every other Act, whether passed before or after the commencement of this Act, shall be read subject to this section.

No license, permission or other authority whatsoever granted, given or issued under any other Act shall authorise, justify or excuse any act which is an offence against this section."

Section 23c
renumbered
s. 23E.

14. Section 23c of the Principal Act is renumbered section 23E.

Amendment
of s. 24 (1).

15. Subsection one of section twenty-four of the Principal Act is amended by omitting the words "or occupier".

Amendments
of s. 25.

16. Section twenty-five of the Principal Act and the marginal note to that section are amended by omitting the words "or occupier" wherever appearing.

Amendment
of s. 26.

17. Section twenty-six of the Principal Act is amended by omitting the words "or occupier".

Amendments
of s. 29.

18. Section twenty-nine of the Principal Act is amended by—

(a) Omitting in paragraph (a) of the proviso to subsection one the word " , occupier " wherever appearing ;

(b) Omitting in subsection four the words "or occupier" and the word " , occupier " ; and

(c) Omitting in subsection six the word " , occupier " wherever appearing.

19. Section thirty-two of the Principal Act is amended by omitting the words “or occupier” wherever appearing. Amendments of s. 32.

20. Section thirty-three of the Principal Act is amended by— Amendments of s. 33.

(a) Omitting the words “and occupiers” wherever appearing;

(b) Omitting the words “or occupier” wherever appearing; and

(c) Omitting the words “or occupiers”.

21. Section thirty-four of the Principal Act is amended by omitting the words “or occupier” and the words “and occupiers”. Amendments of s. 34.

22. Section thirty-five of the Principal Act is amended by— Amendments of s. 35.

(a) In subsection one, omitting the words “and occupiers”;

(b) In subsection three, omitting the words “or occupiers”; and

(c) In subsection four, omitting the words “or occupier” and the words “and occupiers”.

23. Section thirty-six of the Principal Act is amended by omitting the words “or occupier”. Amendment of s. 36.

24. Subsection three of section thirty-seven of the Principal Act is amended by omitting the words “or occupier”. Amendment of s. 37 (3).

25. Section thirty-eight of the Principal Act is amended by omitting the words “or occupier”. Amendment of s. 38.

26. Section thirty-nine of the Principal Act is amended by omitting the words “or occupier” wherever appearing. Amendments of s. 39.

27. Section forty-one of the Principal Act and the marginal note to subsection three of that section are amended by— Amendments of s. 41.

(a) Omitting the words “and occupiers” wherever appearing;

(b) Omitting the words “ or occupiers ” wherever appearing ; and

(c) Omitting the words “ or occupier ” wherever appearing.

Amendments
of s. 42.

28. Section forty-two of the Principal Act is amended by—

(a) In paragraph (iv.) of subsection two, omitting the words “ assessments on stock ” ;

(b) In paragraph (vi.) of subsection two, omitting the words “ ten thousand pounds ” and inserting in their stead the words “ thirty thousand pounds ” ; and

(c) In paragraph (viii.) of subsection three, omitting the words “ or occupiers ”.

Repeal of
s. 43.

29. The Principal Act is amended by repealing section forty-three.

Amendments
of s. 44.

30. Section forty-four of the Principal Act and the marginal note to that section are amended by—

(a) Omitting the words “ or occupier ” wherever appearing ;

(b) Omitting the words “ assessment or ” wherever appearing ; and

(c) In the marginal note, omitting the word “ assessment ” and inserting in its stead the word “ rate ”.

Repeal of
s. 45.

31. The Principal Act is amended by repealing section forty-five.

Repeal of
s. 47.

32. The Principal Act is amended by repealing section forty-seven.

Amendments
of s. 48.

33. Section forty-eight of the Principal Act is amended by—

(a) Omitting the words “ assessment or ” ; and

(b) Omitting the words “ the amount of any assessment made and levied under this Act in any one year shall not exceed six shillings on every thirty head of cattle or one hundred sheep or proportionate number of cattle and sheep, and ”.

34. The Principal Act is amended by omitting section forty-nine and inserting in its stead the following section :—

“ [49.] “ *The Dividing Fences Act of 1953* ” does not apply to fences erected under or in pursuance of this Act.”

Repeal of
and new
s. 49.

Dividing
Fences Act
not to
apply.

35. Section fifty-three of the Principal Act is amended by omitting the words “ and occupiers ”.

Amendment
of s. 53.

36. Section 54A of the Principal Act, and the marginal note to that section, are amended by omitting the words “ or occupier ” wherever appearing.

Amendments
of s. 54A.

37. Subsection one of section fifty-nine of the Principal Act is amended by inserting, after the words “ any Assistant Superintendent ”, the words “ any regional inspector ”.

Amendment
of s. 59 (1).

38. Subsection one of section sixty-two of the Principal Act is amended by omitting the words “ assessments on stock ” where appearing in subparagraph (iii.) of the second paragraph.

Amendment
of s. 62 (1).

39. The Principal Act is amended by omitting section sixty-four and inserting in its stead the following section :—

Repeal of
and new
s. 64.

“ [64.] (1.) Any—

- (a) Member of the Police Force ;
- (b) Officer of the Department of Public Lands ;
- (c) Officer of a Local Authority in the Area or part of the Area whereof this section is in force ;
- (d) Owner or agent of the owner of any holding wholly or partly within any Area or any part of an Area in which this section is in force ;
or
- (e) Person in charge of travelling stock in any Area or any part of an Area in which this Act is in force,

Destruction
of straying
dogs.

who at any time finds at large on a holding, stock route, part of a stock route or reserve for travelling stock any dog, whether registered or not, which is not then in the immediate custody, protection or control of some person, may, and is hereby authorised to, kill or destroy (and for the purpose of so doing seize) such dog then and there.

(2.) To the extent necessary to give operation and effect to this section the provisions of section sixty-three of this Act and every other Act or law shall be read and construed subject to this section.

(3.) This section shall be in force in such Areas or parts of Areas as are from time to time specified by the Governor in Council by Order in Council.

The Governor in Council may by a further Order in Council revoke any such Order in Council and thereupon this section shall cease to be in force in the Areas or parts of Areas specified in the revoked Order in Council, but without prejudice to the power of the Governor in Council to again bring this section into force in such Areas or parts of Areas.”