

24 Geo. V.
No. 23.**WIRE AND WIRE-NETTING.**THE
WIRE AND
WIRE-
NETTING
ADVANCES
ACT OF 1933.**An Act to Make Provision for the Supplying of Wire and Wire-Netting to Settlers, and for other purposes.**

[ASSENTED TO 14TH DECEMBER, 1933.]

BE it enacted by the King'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
AND
RATIFICATION.**PART I.—PRELIMINARY AND RATIFICATION.**Short title
and Parts of
Act.

1. This Act may be cited as "*The Wire and Wire-Netting Advances Act of 1933.*"

This Act is divided into Parts, as follows:—

PART I.—PRELIMINARY AND RATIFICATION ;

PART II.—APPLICATIONS AND REPAYMENTS ;

PART III.—SPECIAL PROVISIONS RELATING TO
THE AGRICULTURAL BANK AND OTHER
MORTGAGEES ;PART IV.—MAINTENANCE OF WIRE AND WIRE-
NETTING FENCES ;

PART V.—MISCELLANEOUS PROVISIONS.

Interpreta-
tion.

2. In this Act, unless the context otherwise indicates, the following terms have the meanings set against them respectively, that is to say—

Actual value.

"Actual value of the wire or wire-netting"—The amount of money paid by the Minister for the wire or wire-netting: the term shall mean the amount of money paid by the Minister to the supplier for the wire or wire-netting, together with freight, insurance, and exchange, or any of these (or partly to the supplier and partly to some other person, firm, corporation, or company, by arrangement with such supplier) in every case where the Minister purchases wire or wire-netting from such supplier under a contract or arrangement, express or implied, that the price charged by such supplier is the price

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at a place named by such supplier, and includes the cost of the wire or wire-netting and the cost of freight, insurance, and exchange, or any of these ;

- “Commissioner”—The Land Commissioner appointed under the provisions of **“The Land Act of 1910”* and its several amendments for the district in which the land in question is situated; Commissioner.
- “Department of Public Lands”—The Department of Public Lands and its sub-Departments of Prickly-pear Land Commission and Irrigation and Water Supply; Department of Public Lands.
- “Holding”—Any country land held in fee-simple, or any country land held under lease or license from the Crown; Holding.
- “Marsupial-proof” (used with reference to fencing)—of such character as to prevent the passage of dingoes and marsupials as those terms are defined by †*“The Grazing Districts Improvement Act of 1930”*; Marsupial-proof.
- “Minister”—The Secretary for Public Lands or other Minister of the Crown charged for the time being with the administration of this Act; Minister.
- “Prescribed”—Prescribed by this Act; Prescribed.
- “Rabbit-proof” (used with reference to fencing)—of such character as to prevent the passage of rabbits; Rabbit-proof.
- “Settler” (in relation to land held in fee-simple)—the registered owner of such land :
 In relation to land held under lease or license from the Crown—the person for the time being entitled to the possession of the land as lessee or licensee from the Crown ;
- “This Act”—This Act and all Orders in Council and regulations made thereunder; This Act.
- “Wire”—Fencing wire, and includes barbed wire. Wire.

* 1 Geo. V. No. 15 and amending Acts, *supra*, pages 8775 *et seq.*

† 21 Geo. V. No. 44, *supra*, pages 12844.

Ratification.

Ratification.

3. Whereas it was necessary in the public interest to make an advance of wire or wire-netting, or both, to certain settlers prior to the passing of this Act, and subsequent to the first day of July, one thousand nine hundred and thirty-three, and whereas each of such settlers has undertaken in writing to execute a mortgage in favour of the Crown as and when called upon so to do by the Minister as security for the advance made to him, it is hereby declared that all acts and things done, all contracts and agreements entered into, and all undertakings executed, in respect of such advances as aforesaid are approved, authorised, and ratified, and shall be valid and effectual to the same extent as if done, entered into, or executed respectively under and subject to the provisions of this Act.

PART II.—
APPLICATIONS
AND
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PART II.—APPLICATIONS AND REPAYMENTS.

Application
for advances.

4. (1.) Any settler who desires to obtain an advance of wire or wire-netting under the provisions of this Act for the purpose of erecting a rabbit-proof or marsupial-proof fence may make application in the prescribed form to the Commissioner to have such wire or wire-netting supplied. In every such application the holding upon which the settler has erected or proposes to erect the fence on which the wire or wire-netting will be used shall be specified. No such application shall be entitled to any preference or priority by reason only of its having been made or lodged before any other application.

Procedure.

(2.) Upon receipt of any such application the Commissioner shall forward it to the Minister with a report and recommendation, and thereupon the Minister may, in his absolute discretion, approve of the application or approve of the application with such modifications as he may deem fitting, or refuse the application.

Offer to
applicant,
and
conditions.

(3.) If an application is approved with or without modification by the Minister, the Minister may make an offer to the applicant.

Such offer shall set forth—

- (a) The quantity and type of wire or wire-netting which the Minister is willing to supply ;

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(b) The estimated cost of such wire or wire-netting (inclusive of all charges) delivered at the railway station nearest the holding on which it is proposed to be used ;

(c) The terms and conditions on which the Minister is willing to supply such wire or wire-netting.

(4.) It shall be a condition of every such offer that the applicant shall undertake in writing—

(i.) That in the event of such wire or wire-netting being supplied to him he will, within twelve months after its receipt by him, use the said wire or wire-netting in the erection upon the holding specified in his application (or such other holding as the Minister may permit) of rabbit-proof or marsupial-proof fences, as approved by the Minister, and for no other purpose ;

(ii.) That he will execute such mortgages or other securities as the Minister may require, if and when called upon by the Minister so to do.

5. Upon receipt of the applicant's acceptance of the Minister's offer and of an undertaking in accordance with the provisions of the last preceding section, the Minister may, out of money appropriated by Parliament for the purpose, supply, either wholly or in part, the wire or wire-netting, as the case may be, as set out in his offer to the applicant.

6. When any wire or wire-netting has been supplied by the Minister to a settler, the Minister shall, as soon as is practicable, notify such settler of the actual value of the wire or wire-netting, as the case may be, or both, supplied to the applicant, together with the cost of the handling charges at the port or place of entry into the State of such wire or wire-netting, and of freight and cartage charges and of incidental charges and expenses.

7. When any wire or wire-netting has been supplied to a settler in accordance with the foregoing provisions, such settler shall, with all due diligence, take delivery of it and convey it to the holding specified in his application or such other holding as the Minister may permit, and proceed with the work of erecting it on the said holding.

Repayments
by settler.

8. The actual value of the wire or wire-netting, as the case may be, or both, supplied to the applicant, together with the cost of the handling charges at the port or place of entry into the State of such wire or wire-netting, and of freight and cartage charges and of incidental charges and expenses, shall be deemed to be a loan to the settler, which loan shall in the manner prescribed in the next succeeding section be repaid to the Minister by the settler during the period of years, not exceeding twenty-five, set forth in the Minister's offer to such settler.

Loan and
repayment
thereof.

9. (1.) The settler shall repay the amount of the loan, together with interest thereon, at the rate of five per centum per annum (or such lower interest as may be from time to time fixed by the Governor in Council) by equal and consecutive half-yearly instalments of principal and interest during the period of years set forth in the Minister's offer to such settler.

Repayment
of loan]
before
expiration
of period.

(2.) (i.) The Minister in his absolute discretion may permit any settler to repay the whole of any loan under the provisions of this Act, with the proper interest thereon, at any time before the expiration of the period of the loan.

(ii.) In any case of such repayment of a loan, the amount owing by the settler to the Minister at the time of such repayment shall be the amount remaining after deducting the sum of all amounts paid by the settler to the Minister in repayment of such loan and interest thereon from the sum of the following, viz. :—

- (a) The actual value of the wire or wire-netting ; and
- (b) The cost of handling charges at the port or place of entry of such wire or wire-netting into the State ; and
- (c) The cost of freight and cartage charges and incidental charges and expenses in respect of such wire or wire-netting other than such as may be included in paragraph (a) above ; and
- (d) Interest on so much of the sums mentioned in the three preceding paragraphs as was from half-year to half-year outstanding, at the rate of five per centum per annum (or such lower interest as may be from time to time fixed by the Governor in Council) ; and

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- (e) The amounts expended by the Minister on maintenance in accordance with the provisions of section fifteen of this Act, if such amounts were added to the loan; and
- (f) Interest on so much of the sums mentioned in the preceding paragraph as was from time to time outstanding, at the rate of five per centum per annum (or such lower interest as may be from time to time fixed by the Governor in Council).

10. The Minister shall not supply any wire or wire-netting to any settler under the provisions of this Act except upon the security of a mortgage or mortgages to him over the holding upon which the fence or fences on which the wire or wire-netting is proposed to be used are erected, or over some other holding or holdings on which the fence or fences, on which the wire or wire-netting is used, has, or have, with the express permission of the Minister, been erected:

Security
required for
loan.

Provided that the Minister may at any time require any settler to give him such further security over any property as the Minister may think fit.

11. In every case where a settler accepts the Minister's offer, such settler shall, before any wire or wire-netting is supplied to him, forward to the Department of Public Lands the deed of grant, certificate of title, instrument of lease, license, or other instrument of title of the holding on which the wire or wire-netting is to be used, for endorsement thereon of the mortgage or mortgages in respect of the loan.

Settler to
forward deed
of grant, &c.

And when such mortgage or mortgages has or have been registered the Minister shall be entitled, while any moneys payable in respect of the loan remain unpaid, to retain possession of such deed of grant, certificate of title, instrument of lease, license, or other instrument of title.

12. Notwithstanding anything in any Act contained, any lease or license from the Crown shall be capable of being mortgaged in respect of a loan as aforesaid under this Act, and such mortgage may be registered in the proper registers of the Department of Public Lands or the Department of Mines, as the case may be. Upon registration of such mortgage upon a

Leases or
licenses
capable of
being
mortgaged.

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PART III.—
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TO THE
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OTHER
MORTGAGES.

Mortgage to
Corporation
of
Agricultural
Bank to
have
priority.

holding which would, but for the provisions of this Act, not be capable of being so mortgaged, such mortgage shall have the same effect in all respects as if the said holding were, but for the provisions of this Act, capable of being so mortgaged.

PART III.—SPECIAL PROVISIONS RELATING TO THE
AGRICULTURAL BANK AND OTHER MORTGAGEES.

13. (1.) In any case where the holding of a settler who desires to obtain an advance of wire or wire-netting under the provisions of this Act is already mortgaged to the Corporation of the Agricultural Bank, the mortgage to the said Corporation shall, notwithstanding anything in this Act contained, have priority over the mortgage to the Minister under this Act.

(2.) In any case where a settler who desires to obtain an advance of wire or wire-netting under the provisions of this Act also desires to obtain an advance from the Corporation of the Agricultural Bank, the mortgage to the said Corporation shall, in the event of an advance being made by the said Corporation have priority over the mortgage to the Minister under the provisions of this Act, notwithstanding anything in this Act contained.

Other
mortgages.

14. In any case where the holding of a settler who desires to obtain an advance of wire or wire-netting under the provisions of this Act is already mortgaged otherwise than to the Corporation of the Agricultural Bank, any mortgage to the Minister under the provisions of this Act shall have priority over any such other mortgage.

PART IV.—
MAINTENANCE
OF WIRE
AND WIRE-
NETTING
FENCES.

Conditions
of advances ;
powers of
Minister.

PART IV.—MAINTENANCE OF WIRE AND WIRE-
NETTING FENCES.

15. (1.) It shall be a condition of every advance of wire or wire-netting under this Act that the settler shall at all times maintain the fence in which such wire or wire-netting is used in a good and substantial condition as a rabbit-proof or marsupial-proof fence, as the case may be, to the satisfaction of the Minister.

Further
powers of
Minister.

(2.) If it appears to the Minister that the settler or his successor in title has neglected to maintain the fence in which the said wire or wire-netting is used, the Minister may cause notice to be given to such settler to execute any works (including the removing of any tree, limb of a

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tree, prickly-pear, or any other vegetable growth that may be endangering the fence) which in the opinion of the Minister may be necessary to maintain such fence in a good and substantial condition.

If the settler fails to carry out forthwith the works set out in the Minister's notice as aforesaid, the Minister may himself cause such works to be executed, and for this purpose may authorise any person to enter upon and remain on the holding for the purpose of carrying out the said works.

In the event of such works being carried out by the Minister, the Minister shall notify the settler that such works have been so executed, and of the costs and expenses thereof. Thereupon the amount of such costs and expenses shall be repaid by such settler to the Minister within one month from the date of the Minister's notification to him.

In default of such payment by the settler within the prescribed time, the Minister may sue for and recover the amount, together with costs of action, in any court of competent jurisdiction, or in the alternative the Minister may, with respect to such costs and expenses, add such amount to the amount secured by the mortgage over the holding as aforesaid; and when such addition has been made the settler shall repay that amount, with interest thereon at the rate of five per centum per annum, by equal and consecutive half-yearly instalments during the unexpired part of the period of the loan. The first of such instalments shall be paid with the next ensuing payment of instalment of the loan.

16. (1.) For the purpose of maintaining any such fence as aforesaid in a good and substantial condition as a rabbit-proof or marsupial-proof fence, the settler shall have full right and authority to enter and remain upon any land contiguous to his holding (whether such land is held in fee-simple or is held under lease or license from the Crown or is a road or public reserve) for the purpose of carrying out any work necessary for the maintenance of the fence or of carrying out any work which the Minister has given him notice to effect.

Power of
entry by
settler.

The owner, occupier, lessee, licensee, or trustee of such contiguous land shall have no cause of action or remedy against such settler for entering and remaining upon such contiguous land solely for the purposes as aforesaid :

Provided, however—

- (a) Such settler shall, before entering upon such contiguous land, give such contiguous owner, occupier, lessee, licensee, or trustee two weeks' notice of his intention to enter upon such land and to carry out the works as aforesaid ;
- (b) Should the owner, occupier, lessee, licensee, or trustee of such contiguous land object to such entry, such objector may apply to the nearest clerk of petty sessions to be heard on the matter. Upon such application being made, such clerk of petty sessions shall hear and determine the matter and give such orders as in his opinion are equitable. The determination and order of the clerk of petty sessions in such matter shall be final and without appeal, and shall be obeyed by the settler and the objector ;
- (c) Provided also that such settler in carrying out any work as aforesaid shall exercise all reasonable care that no more damage to or disturbance of such contiguous land than is necessary for the purposes as aforesaid shall be occasioned by his entering and remaining thereon.

Duties of
settler.

(2.) Should such settler enter and remain upon a contiguous road as aforesaid, he shall not under any circumstances disturb the soil of the said road or erect or construct upon such road any work which may be an obstruction to such road. He shall wholly remove or entirely destroy any tree, limb of a tree, or other vegetable growth felled or deposited upon such road by him. The Local Authority or the Commissioner of Main Roads, as the case may be, is hereby exonerated from any liability whatsoever in respect of any act or omission of the settler with respect to his entry upon or carrying out any work as aforesaid on any road.

Payments in
respect of
fencing.

17. (1.) Should any settler, who has erected a rabbit-proof or marsupial-proof fence with wire or wire-netting obtained by him as an advance under the provisions of this Act, obtain any sum of money from any person (whether a contiguous owner, lessee, occupier, or licensee, or otherwise) as payment for such fence

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or a share or interest therein (whether such sum of money is obtained by agreement with such person or by virtue of the provisions of **“The Fencing Act of 1861”* and †*“The Fencing Act of 1861 Extension Act of 1897,”* or section one hundred and seventy-one or 171A of ‡*“The Land Act of 1910”* and any amendment thereof, or otherwise howsoever), such settler shall pay to the Minister such part of the said sum of money as is received by him for the wire or wire-netting (or such smaller sum as may be required wholly to redeem the loan), to be applied to the reduction of the amount of the loan to the settler then remaining unpaid, and upon such payment the amount of the loan shall be reduced accordingly. In default of such payment the Minister may sue for and recover the amount, with costs, from such settler in any court of competent jurisdiction, and such default shall in addition be a breach of condition on which the wire or wire-netting was supplied to the settler, and the remedies provided to the Minister by the Schedule to this Act shall apply in every such case.

(2.) For the purpose of ascertaining the amount owing by the settler at the time a reduction of a loan under this section is made, the provisions of paragraph (ii.) of subsection two of section nine of this Act shall be applied.

(3.) In every case where wire or wire-netting supplied to a settler under the provisions of this Act is used on a dividing fence, no right or interest which the holder of land contiguous to such dividing fence may acquire in such fence shall in any way prejudice or affect the security which the settler has given to the Minister in respect to the repayment of the loan for such wire or wire-netting supplied by the Minister to such settler.

In this subsection the term “dividing fence” shall have the same meaning as is ascribed to it in **“The Fencing Act of 1861”* and †*“The Fencing Act of 1861 Extension Act of 1897.”*

18. The provisions of sections eighty, one hundred and seventy-one, and 171A of ‡*“The Land Act of 1910”* and its several amendments, and the provisions of §*“The* Application of provisions of other Acts.

* 25 Vic. No. 12, *supra*, page 753.

† 61 Vic. No. 9, *supra*, page 757.

‡ 1 Geo. V. No. 15 and amending Acts, *supra*, pages 8775 *et seq.*

§ 49 Vic. No. 4 and 53 Vic. No. 8, *supra*, pages 2829 and 2830.

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Rabbit Acts, 1885 and 1889," and *"*The Rabbit Act of 1913,*" and the provisions of †"*The Marsupial Proof Fencing Acts, 1898 to 1913,*" as amended or as may be amended by any Act or any subsequent Act, shall, so far as the same may be applicable and not in conflict with the provisions of this Act, be applicable to every rabbit-proof or marsupial-proof fence constructed of wire or wire-netting obtained as an advance under the provisions of this Act.

PART V.—
MISCELLANE-
OUS
PROVISIONS.

Rights of
Minister
under a
mortgage.
Schedule.

PART V.—MISCELLANEOUS PROVISIONS.

19. The Minister shall have and may exercise all the rights, authorities, powers, privileges, responsibilities, and remedies provided to or conferred upon him in the provisions of the Schedule to this Act.

Such provisions may from time to time be altered or added to by the Governor in Council by Order in Council published in the *Gazette*, and the said Schedule as so altered or added to shall thereupon become for the time being the Schedule to this Act, and have effect accordingly.

Advances
to District
Improvement
Boards.

20. The Governor in Council may authorise the Minister, out of any moneys appropriated by Parliament for the purposes of this Act, to supply, upon such terms and conditions as to payment and otherwise as may be determined by the Governor in Council, any District Improvement Board constituted under the provisions of ‡"*The Grazing Districts Improvement Act of 1930*" (or any Act amending the same) or any Local Authority with wire-netting to be affixed by such Board or such Local Authority to a fence. Such terms and conditions shall be embodied in an agreement which shall be entered into between the Minister and the Board or Local Authority, and which shall be registered in the Department of Public Lands.

Exemption
from
registration
fee.

21. Notwithstanding anything in any other Act contained, no registration fee shall be charged in respect of any mortgage under the provisions of this Act or other security under the provisions of this Act where such mortgage or security is over any land held under lease or license from the Crown.

* 4 Geo. V. No. 7, *supra*, page 5954.

† 62 Vic. No. 16 and 4 Geo. V. No. 15, *supra*, pages 2077 and 5931.

‡ 21 Geo. V. No. 44, *supra*, page 12844.

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22. While any money remains unpaid in respect of any loan under this Act, the wire or wire-netting, or both, in respect of which such loan was incurred, shall be and remain the property of the Minister, and subject to this Act the settler shall have no right to remove, sell, or dispose of such wire or wire-netting in any way.

Wire or wire-netting to be property of Minister whilst moneys under loan remain unpaid.

23. While any mortgage or other security under this Act remains registered over any holding, the covenants contained, expressed, or implied in such mortgage or security shall be deemed to have been made by every successor in title of the holding to the settler who executed such mortgage or other security, and such successor in title shall be bound by such covenants accordingly.

Application of covenant in mortgages or security.

24. (1.) The Governor in Council may from time to time make regulations, and from time to time add to, rescind, or amend such regulations, providing for all or any purposes, whether general or to meet particular cases, that may be convenient for the administration of this Act or that may be necessary or expedient to carry out the objects and purposes of this Act, and where there may be in this Act no provision or no sufficient provision in respect to any matter or thing necessary or expedient to give effect to this Act, providing for or supplying such omission or insufficiency.

Regulations.

(2.) The regulations may impose fees in respect of any inspection, registration, or other matter issued, granted, or made by any officer or other person under this Act.

(3.) The regulations may, where no penalty is provided by this Act, provide penalties to an amount not exceeding twenty pounds for any breaches of this Act or omission to carry out any duty under this Act.

(4.) Upon publication in the *Gazette*, the regulations shall have the same effect and validity as if they were enacted in this Act and shall be judicially noticed, and shall not be questioned in any proceedings whatsoever.

25. All Orders in Council and regulations under this Act shall be laid before Parliament within fourteen days after such publication; or, if Parliament is not then sitting, then within fourteen days after the next sitting of Parliament.

Orders in Council and regulations to be laid before Parliament.

SCHEDULE.

[Section 19.] For the purposes of this Act the Minister may have and from time to time may exercise all or any of the following rights, authorities, powers, privileges, responsibilities, and remedies :—

Security. 1. The Minister may hold, until the same can be advantageously disposed of, any property, real or personal, taken by him as security for or in satisfaction, liquidation, or discharge of any debt owing to him.

Minister to be a corporation sole. 2. For the purposes of this Act, the Minister representing the Crown shall be a corporation sole by the name of "The Secretary for Public Lands," and by that name shall have perpetual succession and an official seal, and shall be capable in law of suing and being sued, and shall have power to take, purchase, sell, exchange, lease, and hold land, goods, chattels, and other property, and subject to this Act may do any acts not otherwise unlawful which may be necessary to the proper exercising and performance of the powers, functions, and duties of the Minister under this Act to the same extent as a private person may do.

Penalty. 3. The Minister may impose a penalty on any settler who fails to pay at the due time any instalment payable by such settler under the provisions of this Act or under the terms of any mortgage executed by him. Such penalty shall not exceed an amount calculated at the rate of ten per centum per annum on the amount of such overdue instalment for the period during which payment of such instalment was overdue.

Recovery. Any penalty so imposed by the Minister may be recoverable in a summary way upon complaint under *"*The Justices Acts, 1886 to 1924.*"

Commencement of loan. 4. The Minister may fix the date on which the period of any loan under the provisions of this Act shall begin, and when any such date has been so fixed by the Minister the settler shall be bound to commence repayment of his loan as from that date accordingly, and interest shall begin to run as from such date.

Power of Minister as to advances. 5. When any advance of wire or wire-netting has been approved by the Minister under the provisions of this Act, the Minister may, before the whole of such advance has been delivered to the settler—

(a) If no portion of such advance has been so delivered, cancel the advance ;

(b) If any portion of such advance has been so delivered, cancel the balance of the advance then remaining undelivered. Upon such cancellation the actual value of the part of the wire or wire-netting which has been delivered, together with the cost of handling, freight, cartage, and incidental charges and expenses, shall be deemed to be the loan to the settler for the purposes of this Act.

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6. By way of further security for an advance, a settler may assign to the Minister the whole or any part of any moneys due or to become due to the settler as payment for primary produce or resultant products of the same by any body or person. Assignments.

7. (1.) Every settler who has given a mortgage or other security to the Minister under this Act shall, during the continuance of the same, to the satisfaction of the Minister or other person authorised in that behalf— Duties of settler.

- (a) Destroy noxious plants on the land comprised in such mortgage or other security ;
- (b) Keep in good and tenantable repair all structures, fences, fixtures, and improvements upon the land ;
- (c) Insure and keep insured all buildings upon the land ;
- (d) Pay all rates and taxes, and perform all the lawful requisitions of any local or other authority with respect to the land ;
- (e) Perform the conditions of any lease and observe the provisions of any Act under which the land is held.

For the purposes of this section "repair" includes painting.

(2.) The Minister may give the settler notice in writing to comply with the requirements of this section, and if, after the expiration of two months from the date of such notice, the settler has not complied with such requirements, the like consequences shall follow as are hereinafter provided in case of default made in the payment of any instalment payable under this Act. Notice to comply with requirements.

8. A settler who has mortgaged to the Minister a holding held in fee-simple by him for an advance of wire or wire-netting under this Act shall not transfer, subdivide, or let such holding without the written consent of the Minister during the continuance of such mortgage, and in the event of any such transfer, subdivision, or letting without such consent the Minister may have and exercise the remedies hereinafter provided in case of default made in payment of any sum of money under this Act. Restriction on transfer, subdivision, &c.

9. (1.) Where the consent of the Minister is sought to the transfer of any holding, the Minister may require as a condition to his consent that the transferee shall enter into and execute in favour of the Minister such mortgages, bonds, covenants, and other instruments and securities as will effectually secure the payment by the transferee of the amount then outstanding of the loan to the settler, with the prescribed interest. Transfer.

(2.) Where the consent of the Minister is sought to the letting of any holding, the Minister may require as a condition to his consent that the lessee shall pay all or part of the rents and profits of the holding to him in reduction of the amount of the loan to the settler. Lease.

10. Without prejudice to any other right or remedy of the Minister, in any case where a settler fails to pay at the due time any half-yearly instalment or any amount of interest payable under the provisions of this Act or under the terms of a mortgage executed by him, although no legal demand has been made for the payment thereof, and in any case where a settler fails to perform the obligations placed on him with respect to the erection and maintenance of wire or wire-netting supplied under the provisions of this Act, and in any Further remedies of Minister.

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case where a settler fails to carry out the provisions, covenants, stipulations, or conditions of an undertaking or mortgage given by him in pursuance of the provisions of this Act, and in any case where a settler jeopardises his title to the holding which is mortgaged to the Minister under the provisions of this Act by failing to perform the conditions under which he holds such holding, or otherwise howsoever, and in any case where a settler uses wire or wire-netting supplied under the provisions of this Act in any way other than in accordance with the provisions of this Act, or without the consent of the Minister removes, sells, or disposes of such wire or wire-netting, or causes such wire or wire-netting to be removed, sold, or disposed of, then and in every such case the whole of the amount of the loan then remaining unpaid shall forthwith become due and payable and shall be recoverable with interest at the prescribed rate by the Minister accordingly, and the Minister—

- (a) May enter upon and take and retain possession of (for that purpose using such force as may be necessary to eject any occupant) and may sell the whole or any part of the holding with respect to which the loan has been incurred, with all improvements thereon, including in the term "improvements" wire or wire-netting supplied under the provisions of this Act (or, as may be deemed expedient, all or any of such improvements apart from the land, and authorise the removal of the same when sold, and with or without a subsequent sale of the whole or any part of the land) either by private sale or public auction, and subject to such terms and conditions of sale as the Minister deems expedient, and after such notice of the time, place, terms, and conditions of sale as he thinks expedient, with power to give time for payment of purchase money or to allow the purchase money to remain on mortgage at the risk of the settler, and to vary or rescind any contract of sale, and to buy in at any auction, and to sell without being answerable for any loss, and the Minister may transfer or convey such land to the purchaser, and give a valid title thereto :

Provided that in the event of the Minister selling a holding with improvements thereon and the amount received from such sale is insufficient wholly to repay the loan of the settler, such settler shall still be liable for repayment to the Minister of the difference between the amount of the loan remaining unpaid at the time of the sale and the amount received from such sale, and the Minister may recover from such settler the amount of such difference accordingly ;

- (b) Shall apply the proceeds derived from sale under this section in payment, in the first instance, of all moneys due in respect of such land, and in redemption of any amount with due interest secured by mortgage thereon in favour of the Minister, or of so much thereof as remains unpaid, and of all expenses incurred by the Minister in relation to such sale or otherwise with respect to such land, and shall pay the balance (if any) to the person appearing to the Minister to be entitled to receive the same.

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For the purpose of ascertaining the amount owing by the settler to the Minister at the time of such sale, the provisions of paragraph (ii.) of subsection two of section nine of this Act shall be applied ;

- (c) May, after he has taken possession of any holding under this section, permit any occupant to be or remain in occupation of such holding at such occupation rent as he may fix ;
- (d) May, in any case where a holding is held under lease or license from the Crown under the laws in force relating to the occupation, leasing, and alienation of Crown land, declare forfeiture of such holding under the provisions of the said laws :

Provided that, in the event of such forfeiture, the amount of the loan remaining unpaid at the date of such forfeiture shall be a debt due to the Crown for the purposes of such laws.

11. Whenever under this Act power is conferred upon the Minister to cause any land to be sold, the Minister may, if he thinks fit, from time to time previous to exercising such power of sale, lease such land or any part thereof for any term not exceeding thirty years.

Further powers of Minister.

Every such lease shall contain a covenant to pay such rent and observe such conditions as the Minister in each case thinks fit.

The rents and profits from time to time derived from any such lease shall be applied—

- (a) In payment of the costs and expenses from time to time incurred in connection with the lease ;
- (b) In payment of all moneys due in respect of such land ;
- (c) In payment of the instalments and other payments (if any) due under this Act ;
- (d) In payment of the balance (if any) to the settler.

12. (1.) In addition to any other remedy provided by this Act for the recovery of any sum of money payable under any provision of this Act to the Minister by a settler, it is hereby declared that every such sum shall be and remain, until payment, a debt due by the settler to the Crown, and shall be recoverable, with interest, by the Minister accordingly.

Sum owing deemed a debt.

(2.) The provisions of this Act for securing to the Minister the repayment to him of all advances shall be in addition to any other remedy which the Minister has against the settler as a creditor, and the Minister may enforce any such remedy.

Remedies in Act in addition to remedy as creditor.

WORKERS' COMPENSATION (LEAD-POISONING, MOUNT ISA).

See LABOUR (2).

WORKERS' INSURANCE, UNEMPLOYED.

See LABOUR (1).

