
Land Acts and Other Acts Amendment Act. 6 GEO. VI. No. 10,

LANDS.

6 GEO. VI.
NO. 10.
THE
LAND ACTS
AND OTHER
ACTS
AMENDMENT
ACT OF
1941.

An Act to Amend “The Land Acts, 1910 to 1937,” “The Prickly-pear Land Acts, 1923 to 1936,” “The Prickly-pear Land Acts Amendment Act of 1930,” “The Closer Settlement Act Amendment Act of 1917,” “The State Forests and National Parks Acts, 1906 to 1934,” “The Water Acts, 1926 to 1940,” and “The Rabbit Act of 1885,” respectively, each in certain particulars.

[ASSENTED TO 16TH DECEMBER, 1941.]

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.

Short title.

PART I.—PRELIMINARY.

1. This Act may be cited as “*The Land Acts and Other Acts Amendment Act of 1941.*”

Parts of
Act.

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

PART I.—PRELIMINARY ;

PART II.—AMENDMENTS OF * “THE LAND ACTS, 1910 TO 1937 ” ;

PART III.—

(A) AMENDMENTS OF † “THE PRICKLY-PEAR LAND ACTS, 1923 TO 1936,”

(B) AMENDMENTS OF ‡ “THE PRICKLY-PEAR LAND ACTS AMENDMENT ACT OF 1930 ” ;

PART IV.—AMENDMENT OF § “THE CLOSER SETTLEMENT ACT AMENDMENT ACT OF 1917 ” ;

* 1 G. 5 No. 15 and amending Acts. See v. 5, pp. 15 *et seq.*

† 14 G. 5 No. 34 and amending Acts. See v. 5, pp. 379 *et seq.*

‡ 21 G. 5 No. 28. See v. 5, p. 405.

§ 8 G. 5 No. 10. See v. 5, p. 306.

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PART I.—
PRELIMINARY.

PART V.—AMENDMENTS OF **“THE STATE FORESTS AND NATIONAL PARKS ACTS, 1906 TO 1934”*;

PART VI.—AMENDMENTS OF †*“THE WATER ACTS, 1926 TO 1940”*;

PART VII.—AMENDMENTS OF ‡*“THE RABBIT ACT OF 1885.”*

PART II.—AMENDMENTS OF §*“THE LAND ACTS, 1910 TO 1937.”*

PART II.—
AMENDMENTS
OF *“THE
LAND ACTS,
1910 TO 1937.”*

3. (1.) This Part of this Act shall be read as one with §*“The Land Acts, 1910 to 1937,”* herein in this Part referred to as the Principal Act. Con-
struction of
Part II.

(2.) The Principal Act and this Part of this Act may collectively be cited as *“The Land Acts, 1910 to 1941.”* Collective
title.

Amendments of the Principal Act.

4. Sub-paragraph (b) of paragraph (iii.) of section forty-three of the Principal Act is amended by repealing the words “or except by a mortgagee in possession pursuant to a power of sale conferred by law” and by inserting the words “or except upon sale by a mortgagee exercising power of sale under this Act” in lieu of such repealed words. Amendment
of s. 43
(iii.) (b).

5. Paragraph (v.) of subsection two of section fifty-four of the Principal Act is amended by repealing the words “under this Act in Queensland, or who do not hold any freehold land in Queensland otherwise than town or suburban land” and by inserting the words “either under this Act or in fee simple other than land situated in a city, town, township or other centre of population or which has at any time been declared to be suburban land” in lieu of such repealed words. Amendment
of
s. 54 (2) (v).

6. In paragraph (b) of subsection two of section seventy-five of the Principal Act the words “or except by a mortgagee in possession pursuant to a power of sale conferred by law” are repealed and the words “or except by a mortgagee exercising power of sale under this Act” are inserted in lieu of such repealed words. Amendment
of
s. 75 (2) (b).

* 6 E. 7 No. 20 and amending Acts. See v. 3, pp. 624 *et seq.*

† 17 G. 5 No. 12 and amending Acts. See v. 9, pp. 919 *et seq.*

‡ 49 V. No. 4. See v. 7, p. 1177.

§ 1 G. 5 No. 15 and amending Acts. See v. 5, pp. 15 *et seq.*

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Amendment
of s. 86.

7. In sub-paragraph (b) of the second paragraph of section eighty-six of the Principal Act the words "or except by a mortgagee in possession pursuant to a power of sale conferred by law" are repealed and the words "or except by a mortgagee exercising power of sale under this Act" are inserted in lieu of such repealed words.

Amendment
of
s. 121 (1).

8. Subsection one of section one hundred and twenty-one of the Principal Act is amended as follows:—

(a) The words "or except in the case of a sale by a mortgagee exercising power of sale under this Act" are added to the first of the further provisions of paragraph (i.) of the said subsection one (being the provision commencing with the words "Save as last" and ending with the words "insanity of the lessee").

(b) The following paragraph, numbered (ix.), is inserted after paragraph (viii.) of the said subsection one, namely:—

"(ix.) Upon the expiration of two years from the commencement of the lease of a Perpetual Town Lease or a Perpetual Suburban Lease or upon the issue of the lease of a Perpetual Country Lease the lessee may, with the approval of the Minister, sub-let the whole or any part of the lease subject to the following conditions, namely:—

(a) The sub-lessee shall be a person who is himself qualified to become the lessee of such lease; and

(b) The sub-lease shall be in writing and in duplicate, and one copy thereof shall be registered in the Department of Public Lands.

If the lessee of a Perpetual Town Lease or Perpetual Suburban Lease or Perpetual Country Lease sub-lets the whole or any part of such lease otherwise than in accordance with the provisions of this subsection, such lessee shall be deemed to have committed a breach of the conditions of the lease."

Amendment
of s. 156.

9. In section one hundred and fifty-six of the Principal Act the words "or of a Perpetual Town Lease, or a Perpetual Suburban Lease, or a Perpetual Country Lease or a Special Lease may, and in the case of a selection or of a Preferential Pastoral Holding shall" are repealed and the words "or a Special Lease may,

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and in the case of a selection, or of a Perpetual Town Lease, or of a Perpetual Suburban Lease, or of a Perpetual Country Lease, or of a Preferential Pastoral Holding shall" are inserted in lieu of such repealed words.

10. Section one hundred and sixty of the Principal Act is amended as follows:— Amendment of s. 160.

(a) The following subsection, numbered three, is inserted after subsection two thereof, namely:—

"(3.) When an easement affects a holding or is annexed to or used and enjoyed together with a holding the fee simple of which may be acquired under this Act and the deed of grant has been executed, the proper officer of the Department of Public Lands shall transmit to the Registrar of Titles a copy of every subsisting entry in the registers of instruments of title kept in the said Department relating to such easement, together with the original instrument of easement or a certified copy thereof. Before the issue of the deed of grant the Registrar of Titles shall, according as the case requires, note thereon such easement in such manner as to preserve its priority or enter thereon a memorial of the instrument creating such easement."

(b) Subsection three thereof is renumbered four.

11. The following section, numbered 160B, is inserted after section 160A of the Principal Act as follows:— New s. 160B.

"[160B.] (1.) When any sub-lease of a holding registered under this Act is intended to be charged or made security for the payment of any sum of money, the sub-lessee, in the case of a pastoral holding (other than a Preferential Pastoral Holding) or of a Special Lease may, and, in the case of a selection, or of a Perpetual Town Lease, or of a Perpetual Suburban Lease, or of a Perpetual Country Lease, or of a Preferential Pastoral Holding shall, execute a memorandum of mortgage in such form as may be prescribed or to the like effect. Mortgage of sub-leases.

(2.) The provisions of section one hundred and fifty-six (other than the first paragraph thereof), section one hundred and fifty-eight, and section one hundred and fifty-nine of this Act shall, *mutatis mutandis*, apply to and with respect to any mortgage of a sub-lease."

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Amendment
of s. 187.

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12. Section one hundred and eighty-seven of the Principal Act is amended as follows :—

(a) Subsection one thereof is repealed and the following subsection one is inserted in lieu thereof, namely :—

New
trustees.

“(1.) (a) A trustee of land granted in trust or of a reserve shall be deemed to vacate his office as such if he dies, or resigns, or refuses to act, or becomes incapable of acting, or, subject to paragraph (c) of this subsection, is absent for more than twelve months from the electoral district within which the land or reserve is situated, or if he is otherwise disqualified from holding office as such trustee, and the Governor in Council may appoint a new trustee to fill the vacancy.

(b) A person may be appointed and/or hold office as trustee of any land granted in trust or of a reserve notwithstanding that he is not an elector of or is absent from the electoral district within which the land or reserve is situated if, in the opinion of the Governor in Council, he is actively and effectively interested in the land or reserve :

Provided that a person who is not an elector for an electoral district shall be disqualified from being appointed or holding office as a trustee of land granted in trust or of a reserve.

(c) A trustee absent for more than twelve months from the electoral district within which the land granted in trust or reserve is situated shall not be deemed to vacate his office as such until the Governor in Council appoints another trustee in his stead.”

(b) The following subsection, numbered three, is added thereto, namely :—

“(3.) If the Governor in Council is of opinion that it is in the public interest or that there is any other just and sufficient reason for so doing he may, in his absolute discretion, remove any trustee or trustees of any land granted in trust or of a reserve from his or their office or offices as such, and may appoint a new trustee or new trustees in the stead of any trustee or trustees so removed.”

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13. Section one hundred and eighty-eight of the Principal Act is repealed and the following section is inserted in lieu thereof, namely :—

Repeal of
and new
s. 188.

" [188.] (1.) Trustees of a reserve or of land granted in trust shall keep proper books and accounts in respect of the trust and, if thereunto directed by the Minister, shall keep such books and accounts in respect of the trust as the Minister directs.

Accounts,
&c., of trust.

The books and accounts shall be open and available at all times for inspection by any person authorised in that behalf by the Minister and such authorised person may take such notes, copies or extracts thereof or therefrom as he may deem necessary.

The trustees shall furnish the Minister with all such information and returns in respect of the trust as he may from time to time require.

All moneys received for or on behalf of the trust by the trustees shall be paid by the trustees into a bank carrying on business under the authority of a Statute of the Parliament of Queensland or of the Commonwealth, to a general or separate trust account, until such moneys are applied by the trustees to the purposes for which they have been received.

(2.) The trustees of any reserve or land granted in trust shall cause the books and accounts in respect of the trust to be audited once at least in every calendar year and the trustees shall, within thirty days after the completion of the annual audit, furnish to the Minister a report thereon by the auditor.

The Minister may direct the trustees to have such annual audit made by a person approved by the Auditor-General and the trustees shall thereupon appoint an auditor approved by the Auditor-General.

(3.) The Auditor-General may examine and/or audit, and the Minister may on his own initiative cause any officer of the Public Service or any accountant appointed by the Minister in that behalf to examine and/or audit, the books and accounts in respect of any trust mentioned in this section, and for the purposes of such audit and/or examination the Auditor-General or any officer or any accountant so appointed may examine any books, accounts, and documents relating to such accounts, and may make and take away with him any extract from any book or copy of any such document.

Power of
audit of
books.

(4.) No person shall obstruct or attempt to obstruct the Auditor-General or any officer, accountant, or other person appointed or authorised under this section in the exercise of his powers or the performance of his duties under this section, or without lawful excuse refuse to produce any book, account, document, writing, paper, or instrument in his possession or under his control, or to permit the making and taking away of any extract from any book or copy of any document, or to answer any question asked by the Auditor-General or such officer, accountant, or person for the purpose of the exercise of such powers or the performance of such duties.

(5.) Every manager or other principal officer of any bank with which trustees, or any trustee, or any agent, servant, or representative of trustees of any reserve or land granted in trust have or has deposited any moneys, whether in his own account or in any general or separate trust account, shall disclose every such account to the Auditor-General or to any officer, accountant, or person appointed or authorised under this section upon demand made by the Auditor-General or any officer, accountant, or person so appointed or authorised, and shall permit the Auditor-General or any officer, accountant, or person so appointed or authorised to make and take away with him an extract from any book or copy of any such accounts or copy of any document or writing relating to such accounts.

(6.) Any trustee or other person who contravenes or fails to comply with any provision of this section shall be liable to a penalty of not more than twenty pounds.

(7.) This section shall apply and extend to any person having the custody or possession of any book, account, register, document, or writing of a trust hereinbefore in this section mentioned."

New s. 189A
inserted.

14. The following section, numbered 189A, is inserted after section one hundred and eighty-nine of the Principal Act, namely:—

Winding-up
of trust.

"[189A.] (1.) If the Order in Council reserving, either temporarily or permanently, for a public purpose any land is rescinded by the Governor in Council or if any land granted in trust reverts to the Crown under

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section one hundred and eighty-nine of this Act, the Minister may order any trust in respect of the reserve or land to be wound-up and thereupon—

- (i.) All property and all powers, authorities, immunities, rights, obligations, and duties which immediately before the date of such winding-up order were vested in, exercisable by, or imposed upon the trustees or any other body or person on behalf of the trustees in relation to the trust shall by virtue of and without further or other authority than this section be transferred to, vested in, exercisable by, imposed upon, and executed by such person as the Minister appoints to wind-up the trust; and
- (ii.) The person appointed by the Minister to wind-up the trust shall realise such property and, after discharging the debts and obligations of the trust and making provision for the costs and expenses of the winding-up, shall dispose of the moneys, if any, remaining in his hands in such manner as the Minister shall direct.

(2.) When an order is made by the Minister as aforesaid the persons who were, immediately prior to the making thereof, the trustees of the trust to which such order relates and every other body or person referred to in paragraph (i.) of subsection one of this section shall forthwith do and execute such acts and things as in the opinion of the person appointed by the Minister to wind-up the trust are necessary to carry the order of the Minister into effect; and every such trustee, body or person who or which fails to comply with the provisions of this subsection shall be guilty of an offence and liable to a penalty of not more than fifty pounds.

(3.) This section shall apply to and with respect to the trust in respect of any land granted in trust or reserved for a public purpose notwithstanding that such land reverted to the Crown or, as the case may be, that the Order in Council reserving the land was rescinded, prior to the passing of **"The Land Acts and Other Acts Amendment Act of 1941."* *

* This Act.

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New s. 197B
inserted.

15. The following section, numbered 197B, is inserted after section 197A of the Principal Act, namely:—

Easements
affecting
both
freehold and
leasehold
lands or
reserves.

" [197B.] (1.) Whenever any easement—

- (i.) Affecting any land under the provisions of **"The Real Property Acts, 1861 to 1929,"* is created for the purpose of being annexed to or used and enjoyed together with any reserve or holding under the provisions of this Act or any reserve under †*"The State Forests and National Parks Acts, 1906 to 1941"* ; or
- (ii.) Affecting any reserve or holding under the provisions of this Act or any reserve under the provisions of †*"The State Forests and National Parks Acts, 1906 to 1941,"* is created for the purpose of being annexed to or used and enjoyed together with any land under the provisions of **"The Real Property Acts, 1861 to 1929,"*

the Registrar of Titles shall, when he shall have notice thereof, note such easement on the certificate of title or deed of grant of the land under the provisions of **"The Real Property Acts, 1861 to 1929,"* affected thereby in such manner as to preserve its priority or enter a memorial of the instrument creating such easement upon the certificate of title or deed of grant of the land under such lastmentioned Acts for the purpose of being annexed to or used and enjoyed together with which such easement has been created.

(2.) No easement mentioned in subsection one of this section shall be registered in the Department of Public Lands until the Registrar of Titles has noted such easement or, as the case requires, entered a memorial of the instrument creating same as prescribed by the said subsection one.

(3.) Every instrument of easement mentioned in subsection one of this section shall be lodged in duplicate in the Real Property Office and the Registrar of Titles shall forward one copy of such instrument to the Department of Public Lands as soon as may be after

* 25 V. No. 14 and amending Acts. See v. 8, pp. 163 *et seq.*

† 6 E. 7 No. 20 and amending Acts. See v. 3, pp. 624 *et seq.*

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he has noted the easement or, as the case requires, entered a memorial of such instrument upon the certificate of title or deed of grant of the land concerned.

The registration fee prescribed by the regulations under this Act shall be paid to the Registrar of Titles when the instrument of easement is lodged in duplicate in his office in addition to the registration fee payable to him and the first-mentioned fee shall be remitted to the Department of Public Lands with the copy of the instrument.”

16. Section two hundred and one of the Principal Act is amended as follows:— Amendment of s. 201.

(a) In subsection three thereof the words “not exceeding twenty pounds” are repealed and the words “not exceeding fifty pounds” are inserted in lieu thereof.

(b) The following subsection, numbered (3A), is inserted therein after subsection three, namely:—

“(3A.) When any person is convicted under subsection three of this section of unlawfully cutting, getting, or removing any timber, the adjudicating court shall, in addition to imposing a penalty for such offence, order the defendant to pay to the Crown the value of such timber which value shall be taken to be the price which would ordinarily be paid for such timber at the place where the offence was committed:

Provided that this subsection shall not apply where the timber in question has been seized and sold under subsection one of this section.”

17. The following subsection, numbered three, is added to section two hundred and six of the Principal Act, namely:— Amendment of s. 206.

“(3.) Proceedings for an offence against any provision of section one hundred and ninety-eight or section two hundred and one of this Act or section thirteen of **“The Prickly-pear Land Acts Amendment Act of 1930”* or subsection five of section three of †*“The Land Acts Amendment Act of 1934”* may be instituted at any time within six months after the commission of the offence or within four months after the complainant discovers the commission of the offence whichever is the later period.”

* 21 G. 5 No. 28. See v. 5, p. 405.

† 25 G. 5 No. 31. See v. 5, p. 252.

PART III. (A)—
AMENDMENTS
OF "THE
PRICKLY-PEAR
LAND ACTS,
1923 TO 1936."

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PART III. (A)—AMENDMENTS OF *"THE PRICKLY-PEAR
LAND ACTS, 1923 TO 1936."

Con-
struction and
collective
title of
Part III. (A)
of this Act.

18. This Part III. (A) of this Act shall be read as one with *"*The Prickly-pear Land Acts, 1923 to 1936,*" and those Acts and this Part III. (A) of this Act may collectively be cited as "*The Prickly-pear Land Acts, 1923 to 1941.*"

Amendment
of s. 19 (2)
(ii.).

19. (1.) Paragraph (ii.) of subsection two of section nineteen of *"*The Prickly-pear Land Acts, 1923 to 1936,*" is repealed and the following paragraph (ii.) is inserted in lieu thereof, namely:—

"(ii.) Subject to paragraph (i.) of this subsection, any such lease may be extended for a period of not more than twenty years."

(2.) The amendments made to *"*The Prickly-pear Land Acts, 1923 to 1936,*" by subsection one of this section shall be deemed to have always applied to extensions of terms of Grazing Selections granted prior to the passing of this Act and every such extension shall have force and effect accordingly.

PART III.
(B)—AMEND-
MENTS
OF "THE
PRICKLY-PEAR
LAND ACTS
AMENDMENT
ACT OF 1930."

PART III. (B)—AMENDMENTS OF †"THE PRICKLY-PEAR
LAND ACTS AMENDMENT ACT OF 1930."

Con-
struction of
Part III. (B)
of this Act.

20. This Part III. (B) of this Act shall be read as one with †"*The Prickly-pear Land Acts Amendment Act of 1930.*"

Amendment
of s. 13 of
"The
*Prickly-pear
Land Acts
Amendment
Act of 1930.*"

21. The following paragraphs are added to section thirteen of †"*The Prickly-pear Land Acts Amendment Act of 1930,*" namely:—

"Any person who without a permit from the Prickly-pear Warden ringbarks or clears timber on any selection acquired under the provisions of this Act or who ringbarks or clears any timber prescribed by such permit to be left standing on the selection concerned shall be guilty of an offence and liable to the penalty prescribed by section one hundred and ninety-eight of ‡"*The Land Acts, 1910 to 1941.*"

* 14 G. 5 No. 34 and amending Acts. See v. 5, pp. 379 *et seq.*

† 21 G. 5 No. 28. See v. 5, p. 405.

‡ 1 G. 5 No. 15 and amending Acts. See v. 5, pp. 15 *et seq.*

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(B)—AMENDMENTS
OF "THE
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LAND ACTS
AMENDMENT
ACT OF 1930."

This section does not apply to timber ringbarked or cleared on a Prickly-pear Development Selection at any time after the expiration of the first five years of the term of the lease."

PART IV.—AMENDMENT OF *"THE CLOSER SETTLEMENT ACT AMENDMENT ACT OF 1917."

PART IV.—
AMENDMENT
OF "THE
CLOSER
SETTLEMENT
ACT
AMENDMENT
ACT OF 1917."

22. This Part IV. of this Act shall be read as one with †"*The Closer Settlement Acts, 1906 to 1934,*" and those Acts and this Part of this Act may be cited collectively as "*The Closer Settlement Acts, 1906 to 1941.*"

Con-
struction and
collective
title of Part
IV. of this
Act.

23. Subsection two of section five of *"*The Closer Settlement Act Amendment Act of 1917*" is repealed and the following subsection two is inserted in lieu thereof, namely :—

Repeal of
and new s. 5
(2) of
"*The Closer
Settlement
Act*

"(2.) Section one hundred and twenty-one of ‡"*The Land Acts, 1910 to 1941,*" shall apply to all such lands with the following modifications, namely :—

*Amendment
Act of
1917."*

- (i.) Paragraph (iii.) of subsection one of the said section one hundred and twenty-one shall be read as if for the words "three pounds" the words "five pounds" were substituted; and
- (ii.) Paragraph (iv.) of subsection one of the said section one hundred and twenty-one shall be read as if for the words "three pounds" the words "five pounds" were substituted."

PART V.—AMENDMENTS OF §"THE STATE FORESTS AND NATIONAL PARKS ACTS, 1906 TO 1934."

PART V.—
AMENDMENTS
OF "THE
STATE
FORESTS AND
NATIONAL
PARKS ACTS,
1906 TO 1934."

24. This Act shall be read as one with §"*The State Forests and National Parks Acts, 1906 to 1934,*" as amended by section twenty-five of ||"*The Land Acts and Other Acts Amendment Act of 1937.*"

Construction
of Part.

* 8 G. 5 No. 10. See v. 5, p. 306.

† 6 E. 7 No. 32 and amending Acts. See v. 5, pp. 284 *et seq.*

‡ 1 G. 5 No. 15 and amending Acts. See v. 5, pp. 15 *et seq.*

§ 6 E. 7 No. 20 and amending Acts. See v. 3, pp. 624 *et seq.*

|| 1 G. 6 No. 18. See 1937 Sess. v., p. 16753.

PART V.—
AMENDMENTS
OF “THE
STATE
FORESTS AND
NATIONAL
PARKS ACTS,
1906 TO 1934.”
Collective
title.

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*“*The State Forests and National Parks Acts, 1906 to 1934,*” section twenty-five of †“*The Land Acts and Other Acts Amendment Act of 1937,*” and this Part of this Act may be cited collectively as “*The State Forests and National Parks Acts, 1906 to 1941.*”

Amendment
of s. 7.

25. The following paragraphs are added to section seven of **The State Forests and National Parks Acts, 1906 to 1934,*” namely:—

“Proceedings for an offence against this Act or any regulation made hereunder may be instituted at any time within six months after the commission of the offence, or within four months after the complainant discovers the commission of the offence, whichever is the later period.

Where any person is convicted under this Act or any regulation made hereunder of unlawfully cutting, getting, or removing timber, the adjudicating court shall, in addition to imposing a penalty for such offence, order the offender to pay to the Crown the value of such timber which value shall be taken to be the price which would ordinarily be paid for such timber at the place where the offence was committed:

Provided that the preceding paragraph of this section shall not apply where the timber in question has been seized and sold by or on behalf of the Crown.”

PART VI.—
AMENDMENTS
OF “THE
WATER ACTS,
1926 TO 1940.”

PART VI.—AMENDMENTS OF †“THE WATER ACTS,
1926 TO 1940.”

Construction
of Part VI.
and collec-
tive title.

26. This Part of this Act shall be read as one with †“*The Water Acts, 1926 to 1940,*” and such Acts and this Part of this Act may collectively be cited as “*The Water Acts, 1926 to 1941.*”

Amendments
of s. 28.

27. Section twenty-eight of †“*The Water Acts, 1926 to 1940,*” is amended as follows:—

(a) Subsection six thereof is amended by repealing the words “one month of” and by inserting the words “twenty-eight days after” in lieu of such repealed words.

* 6 E. 7 No. 20 and amending Acts. See v. 3, pp. 624 *et seq.*

† 1 G. 6 No. 18. See 1937 Sess. v., p. 16753.

‡ 17 G. 5 No. 12 and amending Acts. See v. 9, pp. 919 *et seq.*

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1926 TO 1940."

(b) The words "but no such appeal shall be entertained unless notice in writing of the appeal is given by the appellant to the Board within twenty-eight days after the date of the notice to him of the assessment or alteration thereof or addition thereto" are inserted after the words "and its several amendments" in the first paragraph of subsection seven thereof.

28. The following clause, numbered 16A, is inserted after clause sixteen of Part I. of the Schedule to *"*The Water Acts, 1926 to 1941,*" namely:—

New c. 16A
inserted.

"[16A.] The Commissioner may, by a notice published in the *Gazette*, prescribe the times during which water may be taken from any watercourse or lake or part thereof specified in such notice for any purpose mentioned therein by holders of licenses in respect of works for obtaining water from the watercourse or lake or part thereof so specified for the purpose so mentioned.

Limitation
of times
during which
licensees
may take or
obtain water.

Any holder of a license in respect of any works who uses such works for taking or obtaining water from any watercourse or lake or part thereof specified in such notice for any purpose mentioned therein, except during the times prescribed in such notice, shall be liable to a penalty of not more than fifty pounds and, in addition, to a daily penalty of not more than five pounds for each and every day during which the offence is continued after a conviction therefor.

Upon the conviction of the holder of a license for an offence against this clause the Commissioner may cancel his license.

The Commissioner may specify in any such notice the period for which same shall remain in force but, if no such period is specified therein, the notice shall remain in force until revoked by the Commissioner by a further notice published in the *Gazette*.

The Commissioner shall advertise any notice under this clause by publishing same in a newspaper circulating in the locality in question, but the validity of the notice shall not be affected by the failure or insufficiency of such publication."

29. The following clause, numbered 44A, is inserted after clause 44 of Part I. of the Schedule to *"*The Water Acts, 1926 to 1940,*" namely:—

New c. 44A
inserted.

"[44A.] Royalties at such rates as may be prescribed from time to time by the regulations shall be payable upon any gravel, sand, stone, earth, or any timber, whether growing or dead, or other material taken by any authorised person on or from the bed or banks of any watercourse or lake the property of the Crown, or on or from any land vested in or under the control of the Commissioner. All such

Royalties.

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OF "THE
WATER ACTS,"
1926 TO 1940."

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royalties shall be payable in such manner and at such times as may be prescribed, and any unpaid amount thereof may be recovered as a debt due to His Majesty by action in the name of the Commissioner or any person authorised by him in that behalf."

New c. 28A
inserted.

30. The following clause numbered 28A is inserted after clause twenty-eight of Part II. of the Schedule to *"*The Water Acts, 1926 to 1940,*" namely :—

Information
and returns.

"[28A.] The information and returns to be furnished by any person respecting all gravel, sand, stone, earth, timber, whether growing or dead, or other material taken by him on or from the bed or banks of any watercourse or lake the property of the Crown, or on or from any land vested in or under the control of the Commissioner, the times within which and the persons to whom such information and returns are to be furnished, the manner of verifying same, and prescribing a penalty not exceeding fifty pounds for failing to furnish any such information or return or for furnishing any such information or return which is false in a material particular."

Validation
of certain
regulations.

31. It is hereby declared that the Governor in Council has and always had power and authority to make the following regulations, namely :—

- (i.) The regulations published in the *Gazette* of the twenty-fourth day of August, one thousand nine hundred and thirty-five, at pages 565 and 566 ; and
- (ii.) The regulations amending the regulations mentioned in paragraph (i.) of this section published in the *Gazette* of the nineteenth day of August, one thousand nine hundred and thirty-nine, at page 626 ; and
- (iii.) The regulations further amending the regulations mentioned in paragraph (i.) of this section published in the *Gazette* of the fifth day of October, one thousand nine hundred and forty, at page 1032,

under the provisions of *"*The Water Acts, 1926 to 1941,*" in force when such regulations were respectively so published and that every regulations of the regulations mentioned in paragraph (i.) as amended by the regulations mentioned in paragraphs (ii.) and (iii.) of this section shall remain in force until rescinded or modified by the Governor in Council by further regulations under *"*The Water Acts, 1926 to 1941.*"

* 17 G. 5 No. 12 and amending Acts. See v. 9, pp. 919 *et seq.*

1941. *Land Acts and Other Acts Amendment Act.*

PART VII.—
AMENDMENTS
OF “THE
RABBIT ACT
OF 1885.”

PART VII.—AMENDMENTS OF **“THE RABBIT ACT OF 1885.”*

32. This Part of this Act shall be read as one with **“The Rabbit Act of 1885”* and †*“The Rabbit Act Amendment Act of 1889”* and those Acts and this Act may be collectively cited as *“The Rabbit Acts, 1885 to 1941.”*

Construction of Part V. and collective title.

33. The following section, numbered 2A, is inserted after section two of **“The Rabbit Act of 1885,”* namely :—

Amendment of the Act 49 Vic. No. 4, s. 2A.

“ [2A.] (1.) The Minister may in writing and subject to such terms and conditions as he shall think fit—

Powers of Minister in respect of rabbits for zoological, &c., purposes.

(i.) Permit the trustees or managers of any public gardens, museum, grounds, or exhibition to have and keep in their possession or control any live rabbit or rabbits ; or

(ii.) Permit any person to collect for scientific purposes any live rabbit or rabbits ; or

(iii.) Permit any person to have and keep in his possession for zoological or biological purposes any live rabbit or rabbits.

(2.) The period during which, and the terms and conditions, if any, subject to which, any such permit is to be in force shall be specified in such permit.

Any holder of a permit under this section who contravenes or fails to comply with any term or condition specified in such permit shall be guilty of an offence and liable to the penalty prescribed by section six of this Act.

(3.) The Minister may in his absolute discretion refuse to issue any permit, authority to issue which is conferred upon him by this section, or at any time cancel any such permit which has been issued by him.

(4.) Sections two and three of this Act shall not apply to rabbits in respect of which a permit issued under this section is in force.”

* 49 V. No. 4. See v. 7, p. 1177.

† 53 V. No. 8. See v. 7, p. 1179.