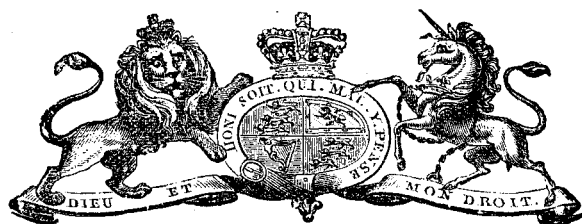


Queensland.



ANNO SEXAGESIMO QUARTO

VICTORIÆ REGINÆ.

No. 20.

An Act to Amend "The Pastoral Leases Extension Acts, 1892 to 1898."

[ASSENTED TO 21ST DECEMBER, 1900.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as "*The Pastoral Leases Extension Act of 1900*" and shall be read and construed with and as an amendment of "*The Pastoral Leases Extension Acts, 1892 to 1898,*" and those Acts and this Act may together be cited as "*The Pastoral Leases Extension Acts, 1892 to 1900.*" Short title and construction.

2. When in pursuance of section four of "*The Pastoral Leases Extension Act of 1892*" the lessee of a holding under Part III. of "*The Crown Lands Act of 1884*" has obtained an extension of the term of his lease by reason of the erection of a rabbit-proof fence upon the external boundaries of his holding together with so much of the resumed part of the run of which the holding formed part as was not then in the occupation of some other person, it is hereby declared that the condition of the said section requiring him to keep such fence in proper repair is binding upon him during the whole of the term of Maintenance, etc., of fence when resumed part of selected.

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the lease so extended, notwithstanding the fact that the whole or any portion of the lands so fenced by him situated upon such resumed part of the original run has been selected by other persons, under the provisions of any Act, and notwithstanding the fact that all or any of such selections have been granted subject to the condition of erecting and maintaining a rabbit-proof fence; and the pastoral lessee has the right at all reasonable times, for the purpose of repairing or maintaining such fence, to enter upon any such selection.

For the purpose of repairing or maintaining such fence, the right of entry by the pastoral lessee shall extend to any of his servants authorised in that behalf, together with any such animals and vehicles as may be necessary: Provided that in the case of any dispute with reference to the number of such animals or the time taken to effect such repairs the selector may appeal to the Land Commissioner, who may require the pastoral lessee to make to the selector such payment by way of agistment for the same or any of them as he may deem equitable. But his decision shall be subject in every case to an appeal to the Land Court, and the decision of the Land Court shall be final and conclusive:

Provided that—

- (i.) If any such selection has been granted subject to the condition of rabbit-proof fencing along all or any of the boundaries thereof, nothing in this section contained shall relieve the selector from any liability to which he is subject in that respect, and the pastoral lessee and selector shall be jointly and severally liable to repair and maintain any such rabbit-proof fence which has been erected by the pastoral lessee upon any of the boundaries of such selection;
- (ii.) When any such selection has been granted subject to the condition of rabbit-proof fencing, the selector shall from the date of the issue of the license of the selection, until the forfeiture or other determination of the lease of the pastoral holding, be liable to pay to the pastoral lessee one-half of the cost of the repair and maintenance of any such fence which has been erected by the pastoral lessee upon any of the boundaries of such selection. But if the lease of the selection is at any time declared forfeited or is otherwise determined, the sole liability to repair and maintain the said fence at his own cost shall again devolve upon the pastoral lessee until the land has been again selected, and then the new selector shall be liable to contribute as aforesaid one-half of the cost of repair and maintenance. Upon the forfeiture or other determination of the pastoral lease, the sole liability for the repair and maintenance of such fence shall devolve upon the selector until a lease is again issued for the pastoral holding, and then the selector's liability to contribute one-half of the cost of repair and maintenance shall again commence.

Settlement of
disputes.

3. Any dispute between a pastoral lessee and a selector as to the rights or duties of either party with respect to the repair or maintenance of a rabbit-proof fence under the provisions of this Act, other than the mere payment of a sum of money by way of contribution,

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may, upon the application of either party, be heard and determined by the Land Commissioner sitting in open court. But his decision shall be subject in every case to an appeal to the Land Court, and the decision of the Land Court shall be final and conclusive.

Save as aforesaid, the provisions of "*The Land Act, 1897*," so far as the same can be applied, shall apply to the determination of such disputes.

4. When a selection is hereafter granted without any obligation to construct rabbit-proof fencing and there exists any rabbit-proof fencing on such selection or upon any of the boundaries of such selection, such fencing shall only be deemed to be an improvement, for the construction of which the selector is liable to pay, to the extent and value of an ordinary fence.

When selector not liable to pay for construction of rabbit-proof fence.

5. The following provision is added to section four of "*The Pastoral Leases Extension Act of 1897*," and shall extend to exemptions hereafter to be granted under the provisions of that section:—

Amendment of 61 Vic. No. 14, s. 4.

The Minister, with such approval, may grant such exemption either entirely or partially, and for such period as he thinks fit, and may, with the like approval, at any time vary or wholly withdraw any such exemption.

6. Whereas doubts have arisen as to whether the term "run" in the fourth section of "*The Pastoral Leases Extension Act of 1892*" includes as to the obligation of fencing the resumed part of every pastoral leasehold which has been brought under the operation of Part III. of "*The Crown Lands Act of 1884*," it is hereby declared that such term includes the resumed part of every such pastoral leasehold.

Removal of doubts as to term "run" in "The Pastoral Leases Extension Act of 1892."

7. In section two of "*The Pastoral Leases Extension Act of 1898*," the words "thirtieth day of June, one thousand eight hundred and ninety-nine," where those words twice occur, and the words "thirty-first day of December, one thousand eight hundred and ninety-nine," are repealed, and the words "thirty-first day of December, one thousand nine hundred," and "thirtieth day of June, one thousand nine hundred and one," are inserted in lieu thereof respectively; and section four of "*The Pastoral Leases Extension Acts Amendment Act of 1895*" as amended by the said section shall be read and construed accordingly.

Amendment of 62 Vic. No. 7, s. 2.