

## Queensland.



ANNO QUINQUAGESIMO SEXTO

## VICTORIÆ REGINÆ.

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No. 30.

**An Act to Authorise the Extension of the Terms of Leases of Holdings and Runs in certain Parts of the Colony on condition of Improvements being made thereon to Prevent the Incursion of Rabbits.**

[ASSENTED TO 15TH NOVEMBER, 1892.]

**WHEREAS** the Southern and Western parts of the Colony of Preamble.  
Queensland are in danger of an incursion of rabbits, and it is desirable to encourage the lessees of Crown lands in those parts to make improvements by way of fencing, in such a manner as to reduce the risk of such incursion: Be it therefore 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 1892*," and shall be read and construed with and as an amendment of "*The Crown Lands Acts, 1884 to 1892*," so far as regards holdings held under the provisions of those Acts, and with and as an amendment of "*The Pastoral Leases Act of 1869*" so far as regards runs held under the provisions of that Act. Short title and construction.

2. This Act applies only to those holdings under "*The Crown Lands Acts, 1884 to 1892*," and to those runs held under "*The Pastoral Leases Act of 1869*," of which some part is situated to the south or west of the boundary line described in the Schedule to this Act. Extent of operation of Act.

3. In this Act the term "lessee" includes the lessee of a Interpretation.  
holding under Part III. of "*The Crown Lands Act of 1884*," the lessee of a Grazing Farm under Part IV. of that Act, and the lessee of a run under "*The Pastoral Leases Act of 1869*."

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The term "holding" includes a holding under Part III., and a Grazing Farm held under Part IV., of the first-mentioned Act.

The term "Run" means a run held under the last-mentioned Act.

Extension of term of holding in certain cases.

4. If the lessee of a holding under Part III. of "*The Crown Lands Act of 1884*" proves to the satisfaction of the Land Board at any time before the first day of January, one thousand eight hundred and ninety-four, or such later day as may be allowed by the Board as hereinafter provided, that there has been erected, upon the external boundaries of the whole of the area which comprises his holding together with so much of the resumed part of the run of which the holding formed part as is not for the time being in the lawful occupation of some other person, a substantial and permanent fence of such a character as to prevent the passage of rabbits, the Board shall issue to him a certificate certifying the fact.

The term of the lease shall thereupon be extended for the period of seven years, subject to the following conditions, that is to say:—

- (1) If at any time during the term of the lease it is proved to the satisfaction of the Board that any part of such external fence has fallen into disrepair so as to be no longer sufficient to prevent the passage of rabbits, and that the lessee has wilfully failed to repair the same, the Governor in Council may, by Proclamation, declare that the extension of the term of the lease hereby granted is revoked, and thereupon such extension shall cease to have any effect, and the term of the lease shall be reduced to its original period;
- (2) The rent payable for the extended period of seven years shall be determined by the Board, subject to the provisions of the eighth section of "*The Crown Lands Act Amendment Act of 1886*";
- (3) The provisions of the fifth and sixth paragraphs of the fifth section of the last-mentioned Act shall apply to the lease during such extended term of seven years;
- (4) The provisions of the ninth section of the last-mentioned Act shall apply with respect to the erection of fences upon the boundaries of the resumed part of a run under the provisions of this section;
- (5) A lessee who has forfeited or surrendered the right of depasturing upon the resumed part of a run may defeat such forfeiture or surrender upon payment of the rent for the current year, subject, nevertheless, to any rights acquired by other persons in the meantime;
- (6) When part of the land in the resumed area has been selected, and the holding so selected is forfeited, the land which was included in the holding shall again form part of the resumed area;
- (7) The lessee may, if he thinks fit, surrender his lease and have a fresh lease issued to him setting forth the conditions of his tenure as altered by this Act.

Provided that it shall not be necessary that the fence should have been erected upon the exact external boundaries if in the opinion of the Board it follows those boundaries as closely as circumstances will reasonably permit.

And provided further that in the event of a lessee proving to the satisfaction of the Board that he has used all reasonable efforts to complete such external fence before the first day of January, one thousand

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thousand eight hundred and ninety-four, and has been unable to do so, but has before that day completed the fence upon the northern boundary of the holding, the time within which proof of the erection of the fence may be made may be extended for such further period not exceeding one year as the Board may allow.

5. The lessee of a run may at any time before the first day of January, one thousand eight hundred and ninety-four, or such later day as may be allowed by the Board as hereinafter provided, tender to the Land Board proof that there has been erected upon the external boundaries of the whole of the conterminous runs held by him a substantial and permanent fence of such a character as to prevent the passage of rabbits, and, upon such proof being given to their satisfaction, the Board shall issue to him a certificate certifying the fact.

Extension of lease  
in case of runs held  
under "Pastoral  
Leases Act of 1869."

The term of the lease shall thereupon be extended for the period of seven years, subject to the following conditions, that is to say:—

- (1) If at any time during the term of the lease it is proved to the satisfaction of the Board that any part of such external fence has fallen into disrepair so as to be no longer sufficient to prevent the passage of rabbits, and that the lessee has wilfully failed to repair the same, the Governor in Council may, by Proclamation, declare that the extension of the term of the lease hereby granted is revoked, and thereupon such extension shall cease to have any effect, and the term of the lease shall be reduced to its original period;
- (2) The annual rent payable for the extended period of seven years shall be determined by the Board, but shall not exceed the annual rent payable for the next preceding period of seven years by more than one-half of the annual rent payable for such preceding period;
- (3) Upon the resumption of the whole or any part of the run, the lessee shall be entitled to the same compensation in respect of so much of such fencing as was erected by him at his own cost as if the run were a holding under Part III. of "*The Crown Lands Act of 1884*," and were resumed under that Act;
- (4) The lessee may, if he thinks fit, surrender his lease and have a fresh lease issued to him setting forth the conditions of his tenure as altered by this Act.

Provided that it shall not be necessary that the fence should have been erected upon the exact external boundaries if in the opinion of the Board it follows those boundaries as closely as circumstances will reasonably permit.

And provided further that in the event of a lessee proving to the satisfaction of the Board that he has used all reasonable efforts to complete such external fence before the first day of January, one thousand eight hundred and ninety-four, and has been unable to do so, but has before that day completed the fence upon the northern boundary of the run, the time within which proof of the erection of the fence may be made may be extended for such further period not exceeding one year as the Board may allow.

6. If the lessee of a Grazing Farm selected before the second day of November, one thousand eight hundred and ninety-two, proves to the Land Board before the first day of January, one thousand eight hundred and ninety-four, that there has been erected upon the external boundaries

Extension of lease of  
grazing farms.

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boundaries of his holding a substantial and permanent fence of such a character as to prevent the passage of rabbits, the Board shall issue to him a certificate certifying the fact.

The term of the lease shall thereupon be extended for the term of five years, subject to the following conditions, that is to say :—

- (1) If at any time during the term of the lease it is proved to the satisfaction of the Board that any part of such external fence has fallen into disrepair so as to be no longer sufficient to prevent the passage of rabbits, and that the lessee has wilfully failed to repair the same, the Governor in Council may, by Proclamation, declare that the extension of the term of the lease hereby granted is revoked, and thereupon such extension shall cease to have any effect, and the term of the lease shall be reduced to its original period;
- (2) The annual rent payable for the extended period of five years shall be determined by the Board;
- (3) The lessee may, if he thinks fit, surrender his lease and have a fresh lease issued to him setting forth the conditions of his tenure as altered by this Act.

Provision as to future grazing farms.

7. It shall be a condition of the lease of every Grazing Farm selected after the first day of November, one thousand eight hundred and ninety-two, that the fence with which the holding is required to be fenced under the provisions of the fifty-eighth section of "*The Crown Lands Act of 1884*" shall be of such a character as to prevent the passage of rabbits.

Exemption from assessment under 55 Vic. No. 30.

8. No assessment shall be payable under "*The Rabbit Boards Act of 1891*" in respect of any cattle or sheep ordinarily depastured upon a holding or run in respect of which an extension of the term of the lease has been granted under this Act and has not been revoked, or upon a Grazing Farm which has been and is fenced in accordance with the requirements of the last preceding section of this Act.

Fences erected by the Crown.

9. When a lessee claims the benefit of this Act in respect of any fence or part of a fence which has been erected, or which has been completed by affixing wire netting thereto, at the expense of the Crown, or to such completion of which the Crown has contributed either directly or under the provisions of "*The Rabbit Boards Act of 1892*," the lessee shall be liable to pay to the Crown interest upon the cost of the fence or that part of the fence, or upon the value of such contribution, as the case may be, at the rate of five pounds per centum per annum, so long as he has the benefit of the fence or that part of the fence.

#### THE SCHEDULE.

A line commencing at a point on the one hundred and fiftieth degree of east longitude, and distant one hundred miles from the southern boundary of the Colony; and running thence parallel to that boundary westward to the eastern boundary of Ardoch Consolidation; thence along the eastern and northern boundaries of Ardoch, Congie, Mount Margaret, Kyabra, and Keeroongooloo Consolidations, to a point distant one hundred miles from the boundary of the Colony; thence along a line distant one hundred miles from the southern and western boundaries of the Colony to the twenty-fourth parallel of south latitude; and thence along that parallel to the western boundary of the Colony.